



Journal of the Senate

State of Indiana

115th General Assembly

First Regular Session

Ninth Meeting Day

Tuesday Afternoon

January 23, 2007

The Senate convened at 1:36 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Silent Prayer.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Boots	Meeks <input checked="" type="checkbox"/>
Bowser	Merritt
Bray	Miller
Breaux	Mishler
Broden	Mrvan
Deig	Nugent
Delph	Paul
Dillon	Riegsecker
Drozda	Rogers
Errington	Simpson
Ford	Sipes <input checked="" type="checkbox"/>
Gard	Skinner
Heinold	Smith
Hershman	Steele
Howard	Tallian
Hume	Walker
Jackman	Waltz
Kenley <input checked="" type="checkbox"/>	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 15: present 47; excused 3. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

SB 191 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 503 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning

Medicaid.

SB 504 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 505 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

SB 506 — Merritt, Wyss, Rogers (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 507 — Delph, Kenley (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 508 — Waterman, Drozda (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 509 — Waterman (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 510 — Riegsecker (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning property. (Vehicle Bill)

SB 511 — Howard (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

SB 512 — Alting (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

SB 513 — Alting (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 514 — Alting (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation and to make an appropriation.

SB 515 — Bowser (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 516 — Bowser (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning

criminal law and procedure.

SB 517 — Drozda (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 518 — Drozda (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 519 — Waterman (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 520 — M. Young (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

SB 521 — Rogers (Utilities & Regulatory Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

SB 522 — Broden (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 523 — Broden (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 524 — Hershman (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 525 — Hershman (Utilities & Regulatory Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

SB 526 — Landske (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 527 — Waterman (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 528 — Jackman (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 529 — Jackman (Utilities & Regulatory Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

SB 530 — Kruse (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 531 — Dillon, Lawson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 532 — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning local government. (Vehicle Bill)

SB 533 — Zakas (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 534 — Lubbers (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 535 — Landske (Appropriations)

A BILL FOR AN ACT concerning public safety and to make an appropriation.

SB 536 — Ford (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

SB 537 — Riegsecker (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 538 — Weatherwax, Hume, Drozda, M. Young, Steele, Kruse, Riegsecker, Nugent, Waterman (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 539 — Weatherwax (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco. (Vehicle Bill)

SB 540 — Merritt (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 541 — Merritt (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 542 — Merritt (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 543 — Lanane (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 544 — Hume, Errington, Skinner (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 545 — Hume (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning elections and to make an appropriation.

SB 546 — Tallian (Natural Resources)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 547 — Tallian (Utilities & Regulatory Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

SB 548 — Lubbers (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 549 — Simpson (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

SB 550 — Becker, Miller (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

SB 551 — Dillon (Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

SB 552 — Drozda (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 553 — Drozda (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 554 — Alting (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 555 — Broden (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 556 — Kruse (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers and to make an appropriation.

SB 557 — Kruse (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations and to make an appropriation.

SB 558 — Mrvan (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 559 — Paul (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions. (Vehicle Bill)

SB 560 — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 561 — Mishler (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 562 — Mishler (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

SB 563 — Lawson (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 564 — Weatherwax (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 565 — Lanane (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 566 — Dillon (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 567 — Lubbers (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

SB 568 — Riegsecker, Meeks (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 569 — Kenley (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation. (Vehicle Bill)

SB 570 — Jackman (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 571 — Becker, Meeks (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 572 — Errington (Health and Provider Services)

A BILL FOR AN ACT concerning Medicaid.

SB 573 — Steele, Waterman (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 574 — Bowser (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 575 — Skinner, Hume (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 576 — M. Young (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning

corrections.

SB 577 — Merritt (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

SB 578 — Miller (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

SB 579 — Drozda (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning local government. (Vehicle Bill)

SB 580 — Breau (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 581 — Walker (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 582 — Mishler (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 583 — Mishler (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SJR 1 — M. Young (Rules and Legislative Procedure)

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana. (Vehicle Joint Resolution)

SJR 16 — Weatherwax, Hume, Miller, Drozda, Waltz, Steele, M. Young, Kruse, Nugent, Waterman, Walker, Delph (Tax and Fiscal Policy)

A JOINT RESOLUTION proposing an amendment to Articles 8, 10, and 13 of the Constitution of the State of Indiana concerning taxation.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 433, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 9, between lines 37 and 38, begin a new paragraph and insert:

"(b) The authority may do the following under this chapter:".

Page 9, line 38, delete "(13)" and insert **"(1)"**.

Page 9, line 41, delete "(14)" and insert **"(2)"**.

Page 10, line 4, delete "(b)" and insert **"(c)"**.

Page 10, line 9, delete "(a)(13)." and insert **"(b)(1)." .**

Page 10, line 10, delete "(c)" and insert **"(d)"**.

Page 10, line 12, delete "(a)(14)" and insert **"(b)(2)"**.

Page 10, line 15, delete "(d)" and insert **"(e)"**.

Page 10, line 15, delete "(c)," and insert **"(d),"**.

Page 10, line 17, delete "(e)" and insert **"(f)"**.

Page 10, line 21, delete "(a)(14)." and insert **"(b)(2)." .**

Page 13, delete lines 20 through 24, begin a new paragraph and insert:

"SECTION 10. IC 13-23-13-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 16. A political subdivision or unit of federal or state**".

Page 13, line 34, before "unless" insert **"without being considered as contributing to the existing release or threatened release of a regulated substance on, in, or at the brownfield"**.

Page 18, line 32, delete ",".

Page 18, line 32, strike "whether or not".

Page 18, line 33, strike "acquired,".

Page 18, line 33, delete "." and insert **", regardless of whether the real or personal property is acquired by the unit."**

Page 18, line 34, delete "or" and insert **"and"**.

Page 19, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 17. IC 36-7-1-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 18.5. "Remediation" has the meaning set forth in IC 13-11-2-186."**

Page 20, delete lines 30 through 32, begin a new line block indented and insert:

"(5) Enter on or into, inspect, investigate, and assess real property and structures acquired or to be acquired for redevelopment purposes to determine the existence, source, nature, and extent of any environmental contamination, including the following:

(A) Hazardous substances.

(B) Petroleum.

(C) Other pollutants.

(6) Remediate environmental contamination, including the following, found on any real property or structures acquired for redevelopment purposes:"

Page 20, line 36, delete "(6)" and insert **"(7)"**.

Page 20, line 38, delete "(7)" and insert **"(8)"**.

Page 20, line 40, delete "(8)" and insert **"(9)"**.

Page 21, line 2, delete "(9)" and insert **"(10)"**.

Page 21, line 9, delete "(10)" and insert **"(11)"**.

Page 21, line 11, delete "(11)" and insert **"(12)"**.

Page 21, line 14, delete "(12)" and insert **"(13)"**.

Page 21, line 17, delete "(13)" and insert **"(14)"**.

Page 21, line 19, delete "(14)" and insert **"(15)"**.

Page 21, line 23, delete "(15)" and insert **"(16)"**.

Page 21, line 25, delete "(16)" and insert **"(17)"**.

Page 21, line 29, delete "(17)" and insert **"(18)"**.

Page 21, line 30, delete "(14)." and insert **"(15)." .**

Page 21, line 31, delete "(18)" and insert **"(19)"**.

Page 21, line 33, delete "(19)" and insert **"(20)"**.

Page 21, line 36, delete "(20)" and insert **"(21)"**.

Page 21, line 38, delete "(21)" and insert **"(22)"**.

Page 22, line 3, delete "(22)" and insert **"(23)"**.

Page 22, line 5, delete "(23)" and insert **"(24)"**.

Page 22, line 9, delete "(24)" and insert **"(25)"**.

Page 22, line 15, delete "(25)" and insert "**(26)**".
 Page 22, line 18, delete "(24);" and insert "**(25);**".
 Page 22, line 21, delete "(26)" and insert "**(27)**".
 Page 22, line 30, delete "(a)(26)" and insert "**(a)(27)**".
 Page 22, line 31, delete "(a)(26)(A)," and insert "**(a)(27)(A),**".
 Page 23, line 9, delete "12.2(a)(7)".
 Page 23, line 9, strike "12.2(a)(21)".
 Page 23, line 9, delete "or" and insert "**12.2(a)(7),**".
 Page 23, line 10, after "12.2(a)(22)" insert ", **or 12.2(a)(23)**".
 Page 23, line 25, delete "12.2(a)(6)" and insert "**12.2(a)(7)**".
 Page 26, line 20, after "To" insert "**mitigate or**".
 Page 27, line 34, delete "," and insert ";".

Page 30, delete lines 5 through 7, begin a new line block indented and insert:

"(5) Enter on or into, inspect, investigate, and assess real property and structures acquired or to be acquired for redevelopment purposes to determine the existence, source, nature, and extent of any environmental contamination, including the following:

(A) Hazardous substances.

(B) Petroleum.

(C) Other pollutants.

(6) Remediate environmental contamination, including the following, found on any real property or structures acquired for redevelopment purposes:"

Page 30, line 11, delete "(6)" and insert "**(7)**".
 Page 30, line 13, delete "(7)" and insert "**(8)**".
 Page 30, line 17, delete "(8)" and insert "**(9)**".
 Page 30, line 24, delete "(9)" and insert "**(10)**".
 Page 30, line 27, delete "(10)" and insert "**(11)**".
 Page 30, line 31, delete "(11)" and insert "**(12)**".
 Page 30, line 33, delete "(12)" and insert "**(13)**".
 Page 30, line 35, delete "(13)" and insert "**(14)**".
 Page 30, line 39, delete "(14)" and insert "**(15)**".
 Page 31, line 3, delete "(15)" and insert "**(16)**".
 Page 31, line 6, delete "(14);" and insert "**(15);**".
 Page 31, line 9, delete "(16)" and insert "**(17)**".
 Page 31, line 22, delete "(17)" and insert "**(18)**".
 Page 31, line 24, delete "(18)" and insert "**(19)**".
 Page 31, line 27, delete "(19)" and insert "**(20)**".
 Page 32, line 12, after "To" insert "**mitigate or**".
 Page 34, line 21, delete "Eliminate" and insert "**Mitigate or eliminate**".

Renumber all SECTIONS consecutively.

(Reference is to SB 433 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

GARD, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 7

House Concurrent Resolution 7, sponsored by Senator Skinner:

A CONCURRENT RESOLUTION honoring the distinguished

guests from the People's Republic of China.

Whereas, The state of Indiana is honored to receive the distinguished guests from the People's Republic of China;

Whereas, The state of Indiana recognizes the importance of friendship and mutual understanding between the peoples of the United States and the People's Republic of China in order to advance international prosperity and peace; and

Whereas, Indiana State University and Liaoning University have served as leaders in fostering mutual understanding and cooperation among government, education, and business leaders in Indiana and Liaoning Province to further mutual understanding, educational exchanges, and economic cooperation between Indiana and Liaoning Province: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly expresses its strong desire that Indiana continue developing the relationship with Liaoning University and that a strong bond be established between Indiana and the People's Republic of China.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Mr. Sun Dagang, Deputy Director General of Liaoning Foreign Affairs Office; Mr. Tianyu Liu, Deputy Division Director of Liaoning Foreign Affairs Office; Ms. Bian Qian, Deputy Division Director, Liaoning Provincial Development and Reform Commission; Mr. Wang Xinquan, Deputy Director General, Liaoning Financial Affairs Office; Ms. Wang Xu, Liaoning Financial Affairs Office; Ms. Pan Shuang, Vice Director of Dandong Harborfront Industrial Park Commission; Mr. Li Xuesi, Supervisor General of Technology, Shenyang Taoxian International Airport; Mr. Jiao Yanhong, Director of Operations, Shenyang Taoxian International Airport; Mr. Yang Bo, Vice President, Shenyang Brilliance-Jinbei Automobile Co. Ltd; Mr. He Guosheng, School of International Economics, Professor of Economics, Party Committee Secretary; and Mr. Cheng Wei, President of Liaoning University and Professor of Economics.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that Senator Lubbers be added as coauthor of Senate Bill 346.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lubbers be added as

coauthor of Senate Bill 347.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Bill 320.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Deig be added as coauthor of Engrossed Senate Bill 157.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Engrossed Senate Bill 154.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Engrossed Senate Bill 101.

GARD

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 7 and the same is herewith transmitted for further action.

CLINTON MCKAY
Principal Clerk of the House

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 12

Senate Concurrent Resolution 12, introduced by Senators Broden and Zakas:

A CONCURRENT RESOLUTION to recognize E. Jack Reed, Assistant to the Mayor of the City of South Bend, upon his retirement after years of honored public service.

Whereas, Effective December 29, 2006, E. Jack Reed retired after over forty-six years of commendable public service;

Whereas, Since 1988, Mr. Reed served with honesty, integrity, and kindness as Assistant to the Mayor for the City of South Bend;

Whereas, In his eighteen years as Assistant to the Mayor of the City of South Bend, Mr. Reed assisted thousands of residents and visitors alike with helpful information, a kind word, and a friendly smile;

Whereas, Mr. Reed served twenty-eight heroic years on the South Bend Fire Department becoming the first African American Riding Chief in South Bend history and helping shepherd the Department through many tumultuous years;

Whereas, Mr. Reed worked as Ombudsman, the ADA coordinator for the City of South Bend, and as a member of numerous boards and committees where he championed the causes of the disabled and elderly of his community: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana Senate hereby recognizes E. Jack Reed upon his retirement.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit copies of this Resolution to E. Jack Reed and his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Bauer, Niezgodski, and Dvorak.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 72, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-26-5-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 31. At the beginning of each fall school term, the governing body of a school corporation shall provide written notice to each teacher employed by the school corporation of the liability insurance coverage available to the teacher from the school corporation and from the state.**

(Reference is to SB 72 as introduced.)
and when so amended that said bill be reassigned to the Senate Committee on Education and Career Development.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 78, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be

amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.173-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The institute is established to do the following:

- (1) Evaluate state and local programs associated with:
 - (A) the prevention, detection, and solution of criminal offenses;
 - (B) law enforcement; and
 - (C) the administration of criminal and juvenile justice.
- (2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.
- (3) Stimulate criminal and juvenile justice research.
- (4) Develop new methods for the prevention and reduction of crime.
- (5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.
- (6) Administer victim and witness assistance funds.
- (7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.
- (8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.
- (9) Serve as the criminal justice statistical analysis center for this state.
- (10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex **or violent** offender registration under IC 11-8-8.
- (11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.
- (12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

SECTION 2. IC 5-2-6-14, AS AMENDED BY P.L.173-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) The victim and witness assistance fund is established. The institute shall administer the fund. Except as provided in subsection (e), expenditures from the fund may be made only in accordance with appropriations made by the general assembly.

(b) The source of the victim and witness assistance fund is the family violence and victim assistance fund established by IC 12-18-5-2.

(c) The institute may use money from the victim and witness assistance fund when awarding a grant or entering into a contract under this chapter, if the money is used for the support of a program in the office of a prosecuting attorney or in a state or local law enforcement agency designed to:

- (1) help evaluate the physical, emotional, and personal needs of a victim resulting from a crime, and counsel or refer the victim to those agencies or persons in the community that can provide the services needed;

- (2) provide transportation for victims and witnesses of crime to attend proceedings in the case when necessary; or
- (3) provide other services to victims or witnesses of crime when necessary to enable them to participate in criminal proceedings without undue hardship or trauma.

(d) Money in the victim and witness assistance fund at the end of a particular fiscal year does not revert to the general fund.

(e) The institute may use money in the fund to:

- (1) pay the costs of administering the fund, including expenditures for personnel and data;
- (2) support the **registration of sex or violent offenders under IC 11-8-8 and the Indiana sex and violent offender registry established under ~~IC 11-8-8~~; IC 36-2-13-5.5**;
- (3) provide training for persons to assist victims; and
- (4) establish and maintain a victim notification system under IC 11-8-7 if the department of correction establishes the system.

SECTION 3. IC 10-13-3-5, AS AMENDED BY P.L.20-2006, SECTION 1, AND AS AMENDED BY P.L.140-2006, SECTION 4 AND P.L.173-2006, SECTION 4, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) As used in this chapter, "criminal history data" means information collected by criminal justice agencies, the United States Department of Justice for the department's information system, or individuals.

(b) The term consists of the following:

- (1) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.
- (2) Information, *including a photograph*, regarding a sex ~~and~~ **or violent** offender (as defined in ~~IC 5-2-12-4~~) **IC 11-8-8-5**) obtained through sex ~~and~~ **or violent** offender registration under ~~IC 5-2-12-2~~ **IC 11-8-8**.
- (3) Any disposition, including sentencing, and correctional system intake, transfer, and release.
- (4) *A photograph of the person who is the subject of the information described in subdivisions (1) through (3).*

SECTION 4. IC 10-13-3-27, AS AMENDED BY P.L.1-2006, SECTION 171, AND AS AMENDED BY P.L.140-2006, SECTION 5 AND P.L.173-2006, SECTION 5, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. (a) Except as provided in subsection (b), on request, a law enforcement agency shall release a limited criminal history to or allow inspection of a limited criminal history by noncriminal justice organizations or individuals only if the subject of the request:

- (1) has applied for employment with a noncriminal justice organization or individual;
- (2) has applied for a license and *has provided* criminal history data ~~as~~ required by law to be provided in connection with the license;
- (3) is a candidate for public office or a public official;
- (4) is in the process of being apprehended by a law enforcement agency;
- (5) is placed under arrest for the alleged commission of a crime;
- (6) has charged that the subject's rights have been abused repeatedly by criminal justice agencies;

(7) is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;

(8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;

(9) is currently residing in a location designated by the department of child services (established by ~~IC 31-33-1.5-2~~ IC 31-25-1-1) or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location;

(10) has volunteered services at a public school (as defined in IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12) that involve contact with, care of, or supervision over a student enrolled in the school;

(11) is being investigated for welfare fraud by an investigator of the division of family resources or a county office of family and children;

(12) is being sought by the parent locator service of the child support bureau of the ~~division~~ department of ~~family and children~~ child services;

(13) is or was required to register as a sex ~~and~~ or violent offender under ~~IC 5-2-12~~ IC 11-8-8; or

(14) has been convicted of any of the following:

(A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(B) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b)).

(E) Possession of child pornography (IC 35-42-4-4(c)).

(F) Vicarious sexual gratification (IC 35-42-4-5).

(G) Child solicitation (IC 35-42-4-6).

(H) Child seduction (IC 35-42-4-7).

(I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).

(J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

(1) Federally chartered or insured banking institutions.

(2) Officials of state and local government for any of the following purposes:

(A) Employment with a state or local governmental entity.

(B) Licensing.

(3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who **knowingly or intentionally** uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 5. IC 10-13-3-30, AS AMENDED BY P.L.173-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 30. (a) Except as provided in subsection (c), on request for release or inspection of a limited criminal history, law enforcement agencies may, if the agency has complied with the reporting requirements in section 24 of this chapter, and the department shall do the following:

(1) Require a form, provided by law enforcement agencies and the department, to be completed. The form shall be maintained for two (2) years and shall be available to the record subject upon request.

(2) Collect a three dollar (\$3) fee to defray the cost of processing a request for inspection.

(3) Collect a seven dollar (\$7) fee to defray the cost of processing a request for release. However, law enforcement agencies and the department may not charge the fee for requests received from the parent locator service of the child support bureau of the department of child services.

(b) Law enforcement agencies and the department shall edit information so that the only information released or inspected is information that:

(1) has been requested; and

(2) is limited criminal history information.

(c) The fee required under subsection (a) shall be waived if the request relates to the **registration of sex or violent offenders under IC 11-8-8 or the** Indiana sex **and violent** offender registry under ~~IC 11-8-8~~ IC 36-2-13-5.5 or concerns a person required to register as a sex **or violent** offender under IC 11-8-8.

SECTION 6. IC 10-13-4-4, AS AMENDED BY P.L.173-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. As used in this chapter, "juvenile history data" means information collected by criminal or juvenile justice agencies or individuals about a child who is alleged to have committed a reportable act and consists of the following:

(1) Descriptions and notations of events leading to the taking of the child into custody by a juvenile justice agency for a reportable act allegedly committed by the child.

(2) A petition alleging that the child is a delinquent child.

(3) Dispositional decrees concerning the child that are entered under IC 31-37-19 (or IC 31-6-4-15.9 before its repeal).

(4) The findings of a court determined after a hearing is held under IC 31-37-20-2 or IC 31-37-20-3 (or IC 31-6-4-19(h) or IC 31-6-4-19(i) before their repeal) concerning the child.

(5) Information:

(A) regarding a child who has been adjudicated a delinquent child for committing an act that would be an offense described in IC 11-8-8-5 if committed by an adult; and

(B) that is obtained through sex **or violent** offender registration under IC 11-8-8.

SECTION 7. IC 11-8-2-12.4, AS ADDED BY P.L.173-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12.4. The department shall do the following:

(1) Maintain the Indiana sex **and violent** offender registry established under IC 36-2-13-5.5.

(2) Prescribe and approve a format for sex **or violent** offender registration as required by IC 11-8-8.

(3) Provide:

- (A) judges;
- (B) law enforcement officials;
- (C) prosecuting attorneys;
- (D) parole officers;
- (E) probation officers; and
- (F) community corrections officials;

with information and training concerning the requirements of IC 11-8-8 and the use of the Indiana sex **and violent** offender registry.

(4) Upon request of a neighborhood association:

- (A) transmit to the neighborhood association information concerning sex **or violent** offenders who reside near the location of the neighborhood association; or
- (B) provide instructional materials concerning the use of the Indiana sex **and violent** offender registry to the neighborhood association.

SECTION 8. IC 11-8-2-13, AS ADDED BY P.L.173-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) The Indiana sex **and violent** offender registry established under IC 36-2-13-5.5 and maintained by the department under section 12.4 of this chapter must include the names of each offender who is or has been required to register under IC 11-8-8.

(b) The department shall do the following:

- (1) Ensure that the Indiana sex **and violent** offender registry is updated at least once per day with information provided by a local law enforcement authority (as defined in IC 11-8-8-2).
- (2) Publish the Indiana sex **and violent** offender registry on the Internet through the computer gateway administered by the office of technology established by IC 4-13.1-2-1, and ensure that the Indiana sex **and violent** offender registry displays the following or similar words:

"Based on information submitted to law enforcement, a person whose name appears in this registry has been convicted of a sex **or violent** offense or has been adjudicated a delinquent child for an act that would be a sex **or violent** offense if committed by an adult."

SECTION 9. IC 11-8-8-3, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. As used in this chapter, "principal residence" means the residence where a sex **or violent** offender spends the most time. The term includes a residence owned or leased by another person if the sex **or violent** offender:

- (1) does not own or lease a residence; or
- (2) spends more time at the residence owned or leased by the other person than at the residence owned or leased by the sex **or violent** offender.

SECTION 10. IC 11-8-8-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4.5. (a) As used in this chapter, "sex offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9).

(9) Incest (IC 35-46-1-3).

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(13) Possession of child pornography (IC 35-42-4-4(c)), if the person has a prior unrelated conviction for possession of child pornography (IC 35-42-4-4(c)).

(14) An attempt or a conspiracy to commit a crime listed in subdivisions (1) through (13).

(15) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (14).

(b) The term includes:

(1) a person who is required to register as a sex offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 11. IC 11-8-8-5, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) As used in this chapter, "sex **or violent** offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2).

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9).

(9) Incest (IC 35-46-1-3).

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(13) Possession of child pornography (IC 35-42-4-4(c)), if the person has a prior unrelated conviction for possession of child pornography (IC 35-42-4-4(c)).

(14) Murder (IC 35-42-1-1).

(15) Voluntary manslaughter (IC 35-42-1-3).

~~(14)~~ **(16)** An attempt or a conspiracy to commit a crime listed in subdivisions (1) through ~~(13)~~: **(15)**.

~~(15)~~ **(17)** A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through ~~(14)~~: **(16)**.

(b) The term includes:

(1) a person who is required to register as a sex **or violent** offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 12. IC 11-8-8-7, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Subject to section 19 of this chapter, the following persons must register under this chapter:

(1) A sex **or violent** offender who resides in Indiana. A sex **or violent** offender resides in Indiana if either of the following applies:

(A) The sex **or violent** offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.

(B) The sex **or violent** offender owns real property in Indiana and returns to Indiana at any time.

(2) A sex **or violent** offender who works or carries on a vocation or intends to work or carry on a vocation full-time or part-time: ~~for a period:~~

(A) ~~for a period~~ exceeding fourteen (14) consecutive days; or

(B) for a total period exceeding thirty (30) days;

during any calendar year in Indiana, whether the sex **or violent** offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) A sex **or violent** offender who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education in Indiana.

(b) Except as provided in subsection (e), a sex **or violent** offender who resides in Indiana shall register with the local law enforcement authority in the county where the sex **or violent**

offender resides. If a sex **or violent** offender resides in more than one (1) county, the sex **or violent** offender shall register with the local law enforcement authority in each county in which the sex **or violent** offender resides. If the sex **or violent** offender is also required to register under subsection (a)(2) or (a)(3), the sex **or violent** offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (c) or (d).

(c) A sex **or violent** offender described in subsection (a)(2) shall register with the local law enforcement authority in the county where the sex **or violent** offender is or intends to be employed or carry on a vocation. If a sex **or violent** offender is or intends to be employed or carry on a vocation in more than one (1) county, the sex **or violent** offender shall register with the local law enforcement authority in each county. If the sex **or violent** offender is also required to register under subsection (a)(1) or (a)(3), the sex **or violent** offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (d).

(d) A sex **or violent** offender described in subsection (a)(3) shall register with the local law enforcement authority in the county where the sex **or violent** offender is enrolled or intends to be enrolled as a student. If the sex **or violent** offender is also required to register under subsection (a)(1) or (a)(2), the sex **or violent** offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (c).

(e) A sex **or violent** offender described in subsection (a)(1)(B) shall register with the local law enforcement authority in the county in which the real property is located. If the sex **or violent** offender is also required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex **or violent** offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b), (c), or (d).

(f) A sex **or violent** offender committed to the department shall register with the department before the sex **or violent** offender is released from incarceration. The department shall forward the sex **or violent** offender's registration information to the local law enforcement authority of every county in which the sex **or violent** offender is required to register.

(g) This subsection does not apply to a sex **or violent** offender who is a sexually violent predator. A sex **or violent** offender not committed to the department shall register not more than seven (7) days after the sex **or violent** offender:

(1) is released from a penal facility (as defined in IC 35-41-1-21);

(2) is released from a secure private facility (as defined in IC 31-9-2-115);

(3) is released from a juvenile detention facility;

(4) is transferred to a community transition program;

(5) is placed on parole;

(6) is placed on probation;

(7) is placed on home detention; or

(8) arrives at the place where the sex **or violent** offender is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex **or violent** offender required to register in more than one (1) county under subsection (b), (c), (d),

or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex **or violent** offender's arrival in that county or acquisition of real estate in that county.

(h) This subsection applies to a sex **or violent** offender who is a sexually violent predator. A sex **or violent** offender who is a sexually violent predator shall register not more than seventy-two (72) hours after the sex **or violent** offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the sexually violent predator is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex **or violent** offender who is a sexually violent predator required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county.

(i) The local law enforcement authority with whom a sex **or violent** offender registers under this section shall make and publish a photograph of the sex **or violent** offender on the Indiana sex **and violent** offender registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of the sex **or violent** offender that complies with the requirements of IC 36-2-13-5.5 at least once per year. The sheriff of a county containing a consolidated city shall provide the police chief of the consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex **or violent** offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sex **and violent** offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex **and violent** offender registry web site established under IC 36-2-13-5.5.

(j) When a sex **or violent** offender registers, the local law enforcement authority shall:

- (1) immediately update the Indiana sex **and violent** offender registry web site established under IC 36-2-13-5.5; and
- (2) notify every law enforcement agency having jurisdiction in the county where the sex **or violent** offender resides.

The local law enforcement authority shall provide the department and a law enforcement agency described in subdivision (2) with the information provided by the sex **or violent** offender during registration.

SECTION 13. IC 11-8-8-8, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The registration required under this chapter must include the following information:

- (1) The sex **or violent** offender's full name, alias, any name by which the sex **or violent** offender was previously known, date

of birth, sex, race, height, weight, hair color, eye color, any scars, marks, or tattoos, Social Security number, driver's license number or state identification number, principal residence address, and mailing address, if different from the sex **or violent** offender's principal residence address.

(2) A description of the offense for which the sex **or violent** offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.

(3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex **or violent** offender's employers in Indiana, the name and address of each campus or location where the sex **or violent** offender is enrolled in school in Indiana, and the address where the sex **or violent** offender stays or intends to stay while in Indiana.

(4) A recent photograph of the sex **or violent** offender.

(5) If the sex **or violent** offender is a sexually violent predator, that the sex **or violent** offender is a sexually violent predator.

(6) If the sex **or violent** offender is required to register for life, that the sex **or violent** offender is required to register for life.

(7) Any other information required by the department.

SECTION 14. IC 11-8-8-9, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) Not more than seven (7) days before an Indiana sex **or violent** offender who is required to register under this chapter is scheduled to be released from a secure private facility (as defined in IC 31-9-2-115), or released from a juvenile detention facility, an official of the facility shall do the following:

(1) Orally inform the sex **or violent** offender of the sex **or violent** offender's duty to register under this chapter and require the sex **or violent** offender to sign a written statement that the sex **or violent** offender was orally informed or, if the sex **or violent** offender refuses to sign the statement, certify that the sex **or violent** offender was orally informed of the duty to register.

(2) Deliver a form advising the sex **or violent** offender of the sex **or violent** offender's duty to register under this chapter and require the sex **or violent** offender to sign a written statement that the sex **or violent** offender received the written notice or, if the sex **or violent** offender refuses to sign the statement, certify that the sex **or violent** offender was given the written notice of the duty to register.

(3) Obtain the address where the sex **or violent** offender expects to reside after the sex **or violent** offender's release.

(4) Transmit to the local law enforcement authority in the county where the sex **or violent** offender expects to reside the sex **or violent** offender's name, date of release or transfer, new address, and the offense or delinquent act committed by the sex **or violent** offender.

(b) Not more than seventy-two (72) hours after a sex **or violent** offender who is required to register under this chapter is released or transferred as described in subsection (a), an official of the facility shall transmit to the state police the following:

(1) The sex **or violent** offender's fingerprints, photograph, and identification factors.

(2) The address where the sex **or violent** offender expects to reside after the sex **or violent** offender's release.

(3) The complete criminal history data (as defined in IC 10-13-3-5) or, if the sex **or violent** offender committed a delinquent act, juvenile history data (as defined in IC 10-13-4-4) of the sex **or violent** offender.

(4) Information regarding the sex **or violent** offender's past treatment for mental disorders.

(5) Information as to whether the sex offender has been determined to be a sexually violent predator.

(c) This subsection applies if a sex **or violent** offender is placed on probation or in a community corrections program without being confined in a penal facility. The probation office serving the court in which the sex **or violent** offender is sentenced shall perform the duties required under subsections (a) and (b).

SECTION 15. IC 11-8-8-10, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. Notwithstanding any other law, upon receiving a sex **or violent** offender's fingerprints from a correctional facility, the state police shall immediately send the fingerprints to the Federal Bureau of Investigation.

SECTION 16. IC 11-8-8-11, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) If a sex **or violent** offender who is required to register under this chapter changes:

(1) principal residence address; or

(2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place where the sex **or violent** offender stays in Indiana;

the sex **or violent** offender shall register not more than seventy-two (72) hours after the address change with the local law enforcement authority with whom the sex **or violent** offender last registered.

(b) If a sex **or violent** offender moves to a new county in Indiana, the local law enforcement authority referred to in subsection (a) shall inform the local law enforcement authority in the new county in Indiana of the sex **or violent** offender's residence and forward all relevant registration information concerning the sex **or violent** offender to the local law enforcement authority in the new county. The local law enforcement authority receiving notice under this subsection shall verify the address of the sex **or violent** offender under section 13 of this chapter not more than seven (7) days after receiving the notice.

(c) If a sex **or violent** offender who is required to register under section 7(a)(2) or 7(a)(3) of this chapter changes the sex **or violent** offender's principal place of employment, principal place of vocation, or campus or location where the sex **or violent** offender is enrolled in school, the sex **or violent** offender shall register not more than seventy-two (72) hours after the change with the local law enforcement authority with whom the sex **or violent** offender last registered.

(d) If a sex **or violent** offender moves the sex **or violent** offender's place of employment, vocation, or enrollment to a new county in Indiana, the local law enforcement authority referred to in subsection (c) shall inform the local law enforcement authority in the new county of the sex **or violent** offender's new principal place of employment, vocation, or enrollment by forwarding relevant

registration information to the local law enforcement authority in the new county.

(e) If a sex **or violent** offender moves the sex **or violent** offender's residence, place of employment, vocation, or enrollment to a new state, the local law enforcement authority shall inform the state police in the new state of the sex **or violent** offender's new place of residence, employment, or enrollment.

(f) A local law enforcement authority shall make registration information, including information concerning the duty to register and the penalty for failing to register, available to a sex **or violent** offender.

(g) A local law enforcement authority who is notified of a change under subsection (a) or (c) shall immediately update the Indiana sex **and violent** offender registry web site established under IC 36-2-13-5.5.

SECTION 17. IC 11-8-8-12, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) As used in this section, "temporary residence" means a residence:

(1) that is established to provide transitional housing for a person without another residence; and

(2) in which a person is not typically permitted to reside for more than thirty (30) days in a sixty (60) day period.

(b) This section applies only to a sex **or violent** offender who resides in a temporary residence. In addition to the other requirements of this chapter, a sex **or violent** offender who resides in a temporary residence shall register in person with the local law enforcement authority in which the temporary residence is located:

(1) not more than seventy-two (72) hours after the sex **or violent** offender moves into the temporary residence; and

(2) during the period in which the sex **or violent** offender resides in a temporary residence, at least once every seven (7) days following the sex **or violent** offender's initial registration under subdivision (1).

(c) A sex **or violent** offender's obligation to register in person once every seven (7) days terminates when the sex **or violent** offender no longer resides in the temporary residence. However, all other requirements imposed on a sex **or violent** offender by this chapter continue in force, including the requirement that a sex **or violent** offender register the sex **or violent** offender's new address with the local law enforcement authority.

SECTION 18. IC 11-8-8-13, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) To verify a sex **or violent** offender's current residence, the local law enforcement authority shall do the following:

(1) Mail a reply form to each sex **or violent** offender in the county at the sex **or violent** offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex **or violent** offender is:

(A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;

(B) placed in a community transition program;

(C) placed in a community corrections program;

(D) placed on parole; or

(E) placed on probation;
whichever occurs first.

(2) Mail a reply form to each sex **or violent** offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex **or violent** offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(3) Personally visit each sex **or violent** offender in the county at the sex **or violent** offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex **or violent** offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(4) Personally visit each sex offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(b) If a sex **or violent** offender fails to return a signed reply form either by mail or in person, not later than fourteen (14) days after mailing, or appears not to reside at the listed address, the local law enforcement authority shall immediately notify the department and the prosecuting attorney.

SECTION 19. IC 11-8-8-14, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. At least once per calendar year, a sex **or violent** offender who is required to register under this chapter shall:

- (1) report in person to the local law enforcement authority;
- (2) register; and
- (3) be photographed by the local law enforcement authority; in each location where the offender is required to register.

SECTION 20. IC 11-8-8-15, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) A sex **or violent** offender who is a resident of Indiana shall obtain and keep in the sex **or violent** offender's possession:

- (1) a valid Indiana driver's license; or
- (2) a valid Indiana identification card (as described in IC 9-24-16).

(b) A sex **or violent** offender required to register in Indiana who is not a resident of Indiana shall obtain and keep in the sex **or violent** offender's possession:

- (1) a valid driver's license issued by the state in which the sex **or violent** offender resides; or
- (2) a valid state issued identification card issued by the state in which the sex **or violent** offender resides.

(c) A person who knowingly or intentionally violates this section commits failure of a sex **or violent** offender to possess identification, a Class A misdemeanor. However, the offense is a Class D felony if the person:

- (1) is a sexually violent predator; or
- (2) has a prior unrelated conviction:
 - (A) under this section; or
 - (B) based on the person's failure to comply with any requirement imposed on an offender under this chapter.

(d) It is a defense to a prosecution under this section that:

- (1) the person has been unable to obtain a valid driver's license or state issued identification card because less than thirty (30) days have passed since the person's release from incarceration; or
- (2) the person possesses a driver's license or state issued identification card that expired not more than thirty (30) days before the date the person violated subsection (a) or (b).

SECTION 21. IC 11-8-8-16, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) A sex **or violent** offender who is required to register under this chapter may not petition for a change of name under IC 34-28-2.

(b) If a sex **or violent** offender who is required to register under this chapter changes the sex **or violent** offender's name due to marriage, the sex **or violent** offender must register with the local law enforcement authority not more than seven (7) days after the name change.

SECTION 22. IC 11-8-8-17, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. A sex **or violent** offender who knowingly or intentionally:

- (1) fails to register when required to register under this chapter;
- (2) fails to register in every location where the sex **or violent** offender is required to register under this chapter;
- (3) makes a material misstatement or omission while registering as a sex **or violent** offender under this chapter; or
- (4) fails to register in person and be photographed at least one (1) time per year as required under this chapter;

commits a Class D felony. However, the offense is a Class C felony if the sex **or violent** offender has a prior unrelated conviction for an offense under this section or based on the person's failure to comply

with any requirement imposed on a sex **or violent** offender under this chapter.

SECTION 23. IC 11-8-8-19, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) Except as provided in subsections (b) through (e), a sex **or violent** offender is required to register under this chapter until the expiration of ten (10) years after the date the sex **or violent** offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21) or a secure juvenile detention facility of a state or another jurisdiction;
- (2) is placed in a community transition program;
- (3) is placed in a community corrections program;
- (4) is placed on parole; or
- (5) is placed on probation;

whichever occurs last. The department shall ensure that an offender who is no longer required to register as a sex **or violent** offender is notified that the obligation to register has expired.

(b) A sex offender who is a sexually violent predator is required to register for life.

(c) A sex **or violent** offender who is convicted of at least one (1) sex **or violent** offense that the sex **or violent** offender committed:

- (1) when the person was at least eighteen (18) years of age; and
- (2) against a victim who was less than twelve (12) years of age at the time of the crime;

is required to register for life.

(d) A sex **or violent** offender who is convicted of at least one (1) sex **or violent** offense in which the sex **or violent** offender:

- (1) proximately caused serious bodily injury or death to the victim;
- (2) used force or the threat of force against the victim or a member of the victim's family; or
- (3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;

is required to register for life.

(e) A sex **or violent** offender who is convicted of at least two (2) unrelated sex **or violent** offenses is required to register for life.

SECTION 24. IC 11-8-8-20, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20. (a) The governor may enter into a compact with one (1) or more jurisdictions outside Indiana to exchange notifications concerning the release, transfer, or change of address, employment, vocation, or enrollment of a sex **or violent** offender between Indiana and the other jurisdiction or the other jurisdiction and Indiana.

(b) The compact must provide for the designation of a state agency to coordinate the transfer of information.

(c) If the state agency receives information that a sex **or violent** offender has relocated to Indiana to reside, engage in employment or a vocation, or enroll in school, the state agency shall inform in writing the local law enforcement authority where the sex **or violent** offender is required to register in Indiana of:

- (1) the sex **or violent** offender's name, date of relocation, and new address; and
- (2) the sex **or violent** offense or delinquent act committed by the sex **or violent** offender.

(d) The state agency shall determine, following a hearing:

- (1) whether a person convicted of an offense in another jurisdiction is required to register as a sex **or violent** offender in Indiana;
- (2) whether an out of state sex **or violent** offender is a sexually violent predator; and
- (3) the period in which an out of state sex **or violent** offender who has moved to Indiana will be required to register as a sex **or violent** offender in Indiana.

SECTION 25. IC 11-13-3-4, AS AMENDED BY P.L.60-2006, SECTION 1, AS AMENDED BY P.L.139-2006, SECTION 2, AS AMENDED BY P.L.140-2006, SECTION 15, AND AS AMENDED BY P.L.173-2006, SECTION 15, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

- (1) retained by the parolee;
- (2) forwarded to any person charged with the parolee's supervision; and
- (3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:

- (1) consider:
 - (A) the residence of the parolee prior to the parolee's incarceration; and
 - (B) the parolee's place of employment; and
- (2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.

(f) As a condition of parole, the parole board may require the parolee to:

- (1) periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of tests to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9); and
- (2) have the results of any test under this subsection reported to the parole board by the laboratory.

The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

- (g) As a condition of parole, the parole board:
- (1) may require a parolee who is a sex ~~and violent~~ offender (as defined in ~~IC 5-2-12-4~~ ~~IC 11-8-8-5~~ **IC 11-8-8-4.5**) to:
 - (A) participate in a treatment program for sex offenders approved by the parole board; and
 - (B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:
 - (i) receives the parole board's approval; or
 - (ii) successfully completes the treatment program referred to in clause (A); and
 - (2) shall:
 - (A) require a parolee who is ~~an~~ a sex **or violent** offender (as defined in ~~IC 5-2-12-4~~ **IC 11-8-8-5**) to register with a ~~sheriff (or the police chief of a consolidated city) local law enforcement authority~~ under ~~IC 5-2-12-5~~ **IC 11-8-8**;
 - (B) prohibit ~~the~~ a parolee who is a sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of parole, ~~unless the sex offender obtains written approval from the parole board; and~~
 - (C) prohibit a parolee who is ~~an~~ a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the sex offender's sex offense ~~unless the sex offender obtains a waiver under IC 35-38-2-2.5; and~~
 - (D) prohibit a parolee **who is a sex offender** from owning, operating, managing, being employed by, or volunteering at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age.

The parole board may not grant a sexually violent predator (as defined in IC 35-38-1-7.5) a waiver under subdivision (2)(B) or (2)(C). If the parole board allows ~~the~~ a sex offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

(h) The address of the victim of a parolee who is ~~an~~ a sex **or violent** offender convicted of a sex **or violent** offense (as defined in IC 35-38-2-2.5) is confidential, *even if the sex **or violent** offender obtains a waiver under IC 35-38-2-2.5.*

(i) *As a condition of parole, the parole board may require a parolee to participate in a reentry court program.*

~~(f)~~ **(j)** *As a condition of parole, the parole board:*

- (1) *shall require a parolee who is a sexually violent predator under IC 35-38-1-7.5; and*
- (2) *may require a parolee who is a sex **or violent** offender (as defined in ~~IC 5-2-12-4~~ **IC 11-8-8-5**);*

to wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location.

~~(f)~~ **(k)** *As a condition of parole, the parole board may prohibit, in accordance with ~~IC 35-38-2-2.5~~ **IC 35-38-2-2.6**, a parolee who has been convicted of stalking from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.*

SECTION 26. IC 11-13-4.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The governor shall enter into a compact on behalf of the state with any other state

in the form substantially as follows:

ARTICLE I DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

- (1) "Adult" means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law.
- (2) "Bylaws" mean those bylaws established by the interstate commission for its governance or for directing or controlling the interstate commission's actions or conduct.
- (3) "Compact administrator" means the individual in each compacting state appointed under the terms of this compact responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the interstate commission, and policies adopted by the state council under this compact.
- (4) "Compacting state" means any state that has enacted the enabling legislation for this compact.
- (5) "Commissioner" means the voting representative of each compacting state appointed under Article II of this compact.
- (6) "Interstate commission" means the interstate commission for adult offender supervision established by this compact.
- (7) "Member" means the commissioner of a compacting state or designee, who shall be a person officially connected with the commissioner.
- (8) "Non-compacting state" means any state that has not enacted the enabling legislation for this compact.
- (9) "Offender" means an adult placed under or subject to supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies.
- (10) "Person" means any individual, corporation, business enterprise, or other legal entity, either public or private.
- (11) "Rules" means acts of the interstate commission, adopted under Article VIII of this compact, substantially affecting interested parties in addition to the interstate commission.
- (12) "State" means a state of the United States, the District of Columbia, or any other territorial possession of the United States.
- (13) "State council" means the resident members of the state council for interstate adult offender supervision created by each state under Article II of this compact.

ARTICLE II THE COMPACT COMMISSION

- (1) The interstate commission for adult offender supervision is established.
- (2) The interstate commission is a body corporate and joint agency of the compacting states. The interstate commission has all the responsibilities, powers, and duties set forth in this chapter, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

(3) The interstate commission consists of commissioners selected and appointed by resident members of a state council for interstate adult offender supervision for each state. In addition to the commissioners, who are the voting representatives of each state, the interstate commission shall include individuals who are not commissioners but who are members of interested organizations; such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, and crime victims. All non-commissioner members of the interstate commission are ex officio nonvoting members. The interstate commission may provide in its bylaws for such additional, ex officio, nonvoting members as it considers necessary.

(4) Each compacting state represented at any meeting of the interstate commission is entitled to one (1) vote. A majority of the compacting states constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.

(5) The interstate commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of twenty-seven (27) or more compacting states, shall call additional meetings. Public notice shall be given of all meetings, and meetings shall be open to the public.

(6) The interstate commission shall establish an executive committee that must include commission officers, members, and others as shall be determined by the bylaws. The executive committee has authority to act on behalf of the interstate commission during periods when the interstate commission is not in session, with the exception of rulemaking or amendment to the compact. The executive committee oversees the day to day activities managed by the executive director and interstate commission staff, administers enforcement and compliance with the provisions of the compact, its bylaws, and as directed by the interstate commission, and performs other duties as directed by the commission or set forth in the bylaws.

ARTICLE III

THE STATE COUNCIL

Each member state shall create a state council for interstate adult offender supervision that shall be responsible for the appointment of the commissioner who shall serve on the interstate commission from that state. Each state council shall appoint as its commissioner the compact administrator from that state to serve on the interstate commission in such capacity or under applicable law of the member state. Although each member state may determine the membership of its own state council, its membership must include at least one (1) representative from the legislative, judicial, and executive branches of government, victims groups, and compact administrators. Each compacting state retains the right to determine the qualifications of the compact administrator, who shall be appointed by the state council or by the governor in consultation with the general assembly and the judiciary. In addition to appointment of its commissioner to the national interstate commission, each state council shall exercise oversight and advocacy concerning its participation in interstate commission

activities and other duties as may be determined by each member state, including but not limited to development of policy concerning operations and procedures of the compact within that state.

ARTICLE IV

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The interstate commission shall have the following powers:

- (1) To adopt a seal and suitable bylaws governing the management and operation of the interstate commission.
- (2) To adopt rules that are binding in the compacting states to the extent and in the manner provided in this compact.
- (3) To oversee, supervise, and coordinate the interstate movement of offenders, subject to the terms of this compact and any bylaws adopted and rules adopted by the compact commission.
- (4) To enforce compliance with compact provisions, interstate commission rules, and bylaws, using all necessary and proper means, including but not limited to the use of judicial process.
- (5) To establish and maintain offices.
- (6) To purchase and maintain insurance and bonds.
- (7) To borrow, accept, or contract for services of personnel, including, but not limited to, members and their staffs.
- (8) To establish and appoint committees and hire staff it considers necessary for the carrying out of its functions, including, but not limited to, an executive committee as required by Article II that may act on behalf of the interstate commission in carrying out its powers and duties.
- (9) To elect or appoint officers, attorneys, employees, agents, or consultants, to fix their compensation, define their duties, and determine their qualifications, and to establish the interstate commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel.
- (10) To accept donations and grants of money, equipment, supplies, materials, and services and to receive, use, and dispose of them.
- (11) To lease, purchase, accept contributions or donations of, or otherwise own, hold, improve, or use any real, personal, or mixed property.
- (12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any real, personal, or mixed property.
- (13) To establish a budget and make expenditures and levy dues as provided in Article IX of this compact.
- (14) To sue and be sued.
- (15) To provide for dispute resolution among compacting states.
- (16) To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.
- (17) To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the interstate commission during the preceding year. Such reports must include any recommendations that may have been adopted by the interstate commission.
- (18) To coordinate education, training, and public awareness regarding the interstate movement of offenders for officials

involved in such activity.

(19) To establish uniform standards for the reporting, collecting, and exchanging of data.

ARTICLE V

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

Part A. Bylaws

The interstate commission shall, by a majority of the members, within twelve (12) months of the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including:

- (1) establishing the fiscal year of the interstate commission;
- (2) establishing an executive committee and such other committees as may be necessary;
- (3) providing reasonable standards and procedures:
 - (A) for the establishment of committees; and
 - (B) governing any general or specific delegation of any authority or function of the interstate commission;
- (4) providing reasonable procedures for calling and conducting meetings of the interstate commission and ensuring reasonable notice of each meeting;
- (5) establishing the titles and responsibilities of the officers of the interstate commission;
- (6) providing reasonable standards and procedures for the establishment of the personnel policies and programs of the interstate commission. Notwithstanding any civil service or other similar laws of any compacting state, the bylaws shall exclusively govern the personnel policies and programs of the interstate commission;
- (7) providing a mechanism for winding up the operations of the interstate commission and the equitable return of any surplus funds that may exist upon the termination of the compact after the payment and reserving of its debts and obligations;
- (8) providing transition rules for start up administration of the compact; and
- (9) establishing standards and procedures for compliance and technical assistance in carrying out the compact.

Part B. Officers and Staff

(a) The interstate commission, by a majority of the members, shall elect from among its members a chairperson and a vice chairperson, each of whom shall have such authorities and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice chairperson, shall preside at all meetings of the interstate commission. The officers elected shall serve without compensation or remuneration from the interstate commission. However, subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the interstate commission.

(b) The interstate commission, through its executive committee, shall appoint or retain an executive director for such time, upon such terms and conditions, and for such compensation as the interstate commission may find appropriate. The executive director shall serve as secretary to the interstate commission and hire and supervise such other staff as may be authorized by the interstate

commission, but shall not be a member.

Part C. Corporate Records of the Interstate Commission

The interstate commission shall maintain its corporate books and records in accordance with the bylaws.

Part D. Qualified Immunity, Defense, and Indemnification

(a) The members, officers, executive director, and employees of the interstate commission are immune from suit and liability, either personally or in their official capacities, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of any actual or alleged act, error, or omission that occurs within the scope of interstate commission employment, duties, or responsibilities. However, nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

(b) The interstate commission shall defend the commissioner of a compacting state, the commissioner's representatives or employees, and the interstate commission's representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurs within the scope of interstate commission employment, duties, or responsibilities or that the defendant has a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, as long as the actual or alleged act, error, or omission did not result from intentional wrongdoing on the part of the person.

(c) The interstate commission shall indemnify and hold the commissioner of a compacting state, the appointed designee or employees, and the interstate commission's representatives or employees harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error, or omission that occurs within the scope of interstate commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of the person.

ARTICLE VI

ACTIVITIES OF THE INTERSTATE COMMISSION

(a) The interstate commission shall meet and take such actions as are consistent with the provisions of this compact. Except as otherwise provided in this compact and unless a greater percentage is required by the bylaws, in order to constitute an act of the interstate commission, the act shall have been taken at a meeting of the interstate commission and shall have received an affirmative vote of a majority of the members present.

(b) Each member of the interstate commission is entitled to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the interstate commission. A member shall vote in person on behalf of the state and shall not delegate a vote to another member state. However, a state council shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the member state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting

conducted by telephone or other means of telecommunication or electronic communication shall be subject to the same quorum requirements of meetings where members are present in person.

(c) The interstate commission shall meet at least once during each calendar year. The chairperson of the interstate commission may call additional meetings at any time and, upon the request of a majority of the members, shall call additional meetings.

(d) The interstate commission's bylaws shall establish conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests. In adopting rules, the interstate commission may make available to law enforcement agencies records and information otherwise exempt from disclosure and may enter into agreements with law enforcement agencies to receive or exchange information or records, subject to nondisclosure and confidentiality provisions.

(e) Public notice shall be given of all meetings, and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission shall adopt rules consistent with the principles contained in the "Government in Sunshine Act," 5 U.S.C. 552(b), as AMENDED. The interstate commission or any of its committees may close a meeting to the public if it determines by two-thirds (2/3) vote that an open meeting would be likely to:

- (1) relate solely to the interstate commission's internal personnel practices and procedures;
- (2) disclose matters specifically exempted from disclosure by statute;
- (3) disclose trade secrets or commercial or financial information that is privileged or confidential;
- (4) involve accusing any person of a crime or formally censuring any person;
- (5) disclose information of a personal nature that would constitute a clearly unwarranted invasion of personal privacy;
- (6) disclose investigatory records compiled for law enforcement purposes;
- (7) disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of the interstate commission with respect to a regulated entity for the purpose of regulation or supervision of the entity;
- (8) disclose information, the premature disclosure of which would significantly endanger the life of a person or the stability of a regulated entity; or
- (9) specifically relate to the interstate commission's issuance of a subpoena or its participation in a civil action or proceeding.

(f) For every meeting closed under this provision, the interstate commission's chief legal officer shall publicly certify that, in the officer's opinion, the meeting may be closed to the public and shall reference each relevant exemptive provision. The interstate commission shall keep minutes that shall fully and clearly describe all matters discussed in any meeting and that provide a full and accurate summary of any actions taken and the reasons therefor, including a description of each of the views expressed on any item

and the record of any roll call vote (reflected in the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.

(g) The interstate commission shall collect standardized data concerning the interstate movement of offenders as directed through its bylaws and rules, which must specify the data to be collected, the means of collection and data exchange, and reporting requirements.

ARTICLE VII

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

(a) The interstate commission shall adopt rules to effectively and efficiently achieve the purposes of the compact, including transition rules governing administration of the compact during the period in which it is being considered and enacted by the states. Rulemaking shall occur under the criteria set forth in this article and the bylaws and rules adopted under this article and the bylaws. Such rulemaking shall substantially conform to the principles of the federal Administrative Procedure Act, 5 U.S.C. 551 et seq. and the Federal Advisory Committee Act, 5 U.S.C. app. 2, section 1 et seq., as may be AMENDED (referred to in this compact as "APA").

(b) All rules and amendments shall become binding as of the date specified in each rule or amendment.

(c) When adopting a rule, the interstate commission shall:

- (1) publish the proposed rule, stating with particularity the text of the rule that is proposed and the reason for the proposed rule;
- (2) allow persons to submit written data, facts, opinions, and arguments, which information shall be publicly available;
- (3) provide an opportunity for an informal hearing; and
- (4) adopt a final rule and its effective date, if appropriate, based on the rulemaking record.

(d) Not later than sixty (60) days after a rule is adopted, any interested person may file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the interstate commission's principal office is located for judicial review of the rule. If the court finds that the interstate commission's action is not supported by substantial evidence (as defined in the APA) in the rulemaking record, the court shall hold the rule unlawful and set it aside. Subjects to be addressed within twelve (12) months after the first meeting must at a minimum include:

- (1) notice to victims and opportunity to be heard;
- (2) offender registration and compliance;
- (3) violations/returns;
- (4) transfer procedures and forms;
- (5) eligibility for transfer;
- (6) collection of restitution and fees from offenders;
- (7) data collection and reporting;
- (8) the level of supervision to be provided by the receiving state;
- (9) transition rules governing the operation of the compact and the interstate commission during all or part of the period between the effective date of the compact and the date on which the last eligible state adopts the compact; and
- (10) mediation, arbitration, and dispute resolution.

(e) Upon determination by the interstate commission that an emergency exists, it may adopt an emergency rule that shall become

effective immediately upon adoption. However, the rulemaking procedures provided under this article shall be applied retroactively to the rule as soon as reasonably possible and not later than ninety (90) days after the effective date of the rule.

ARTICLE VIII

OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION

Part A. Oversight

(a) The interstate commission shall oversee the interstate movement of adult offenders in the compacting states and shall monitor such activities being administered in non-compacting states that may significantly affect compacting states.

(b) The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact that may affect the powers, responsibilities, or actions of the interstate commission, the interstate commission shall be entitled to receive all service of process in any such proceeding and shall have standing to intervene in the proceeding for all purposes.

Part B. Dispute Resolution

(a) The compacting states shall report to the interstate commission on issues or activities of concern to them and cooperate with and support the interstate commission in the discharge of its duties and responsibilities.

(b) The interstate commission shall attempt to resolve any disputes or other issues that are subject to the compact and that may arise between compacting states and non-compacting states.

(c) The interstate commission shall enact a bylaw or adopt a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

Part C. Enforcement

The interstate commission, in the reasonable exercise of its discretion, shall enforce this compact using any or all means set forth in Article XI, Part C, of this compact.

ARTICLE IX

FINANCE

(a) The interstate commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

(b) The interstate commission shall levy and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the interstate commission and its staff that must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The total annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, taking into consideration the population of the state and the volume of interstate movement of offenders in each compacting state, and shall adopt a rule binding upon all compacting states that governs the assessment.

(c) The interstate commission shall not incur any obligation of any kind before securing the funds adequate to meet the obligation, nor shall the interstate commission pledge the credit of any compacting state except by and with the authority of the compacting state.

(d) The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the interstate commission.

ARTICLE X

COMPACTING STATES, DATE, AND AMENDMENT

(a) Any state may become a compacting state. The compact becomes effective and binding upon legislative enactment of the compact into law by not less than thirty-five (35) states. The initial effective date shall be the later of July 1, 2001, or upon enactment into law by the thirty-fifth jurisdiction. Thereafter, the compact shall become effective and binding on any other compacting state upon enactment of the compact into law by that state. The governors of nonmember states or their designees will be invited to participate in interstate commission activities on a nonvoting basis before adoption of the compact by all states and territories of the United States.

(b) Amendments to the compact may be proposed by the interstate commission for enactment by the compacting states. No amendment shall become effective and binding upon the interstate commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

ARTICLE XI

WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

Part A. Withdrawal

(a) Once effective, the compact continues in force and remains binding upon every compacting state. A compacting state may withdraw from the compact ("withdrawing state") by enacting a statute specifically repealing the statute that enacted the compact into law.

(b) The effective date of withdrawal is the effective date of the repeal.

(c) The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt.

(d) The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including any obligations the performance of which extends beyond the effective date of withdrawal.

(e) Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the interstate commission.

Part B. Default

(a) If the interstate commission determines that any compacting state has at any time defaulted ("defaulting state") in the performance of any of its obligations or responsibilities under this compact, the bylaws, or any adopted rules, the interstate commission may impose any or all of the following penalties:

(1) Fines, fees, and costs levied upon the county responsible for the default, or upon the state, if the state is responsible for the default, in amounts considered reasonable as fixed by the interstate commission.

(2) Remedial training and technical assistance as directed by the interstate commission.

(3) Suspension and termination of membership in the compact.

(b) Suspension shall be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted. Immediate notice of suspension shall be given by the interstate commission to the governor, the chief justice or the chief judicial officer of the state, the majority and minority leaders of the defaulting state's legislature, and the state council.

(c) The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this compact, interstate commission bylaws, or adopted rules. The interstate commission shall immediately notify the defaulting state in writing of the penalty imposed by the interstate commission on the defaulting state pending a cure of the default. The interstate commission shall stipulate the conditions and the time within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time specified by the interstate commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compacting states, and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of suspension.

(d) Within sixty (60) days of the effective date of termination of a defaulting state, the interstate commission shall notify the governor, the chief justice or the chief judicial officer of the state, the majority and minority leaders of the defaulting state's legislature, and the state council of such termination.

(e) The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including any obligations, the performance of which extends beyond the effective date of termination.

(f) The interstate commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the interstate commission and the defaulting state. Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the interstate commission under the rules.

Part C. Judicial Enforcement

The interstate commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its offices, to enforce compliance with the provisions of the compact and its adopted rules and bylaws against any compacting state in default or against a county if the county is responsible for the default. If judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

Part D. Dissolution of Compact

(a) The compact dissolves effective on the date of the withdrawal or default of the compacting state that reduces membership in the

compact to one (1) compacting state.

(b) Upon the dissolution of this compact, the compact becomes void and is of no further force or effect, and the business and affairs of the interstate commission shall be wound up and any surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XII

SEVERABILITY AND CONSTRUCTION

(a) The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is considered unenforceable, the remaining provisions of the compact shall be enforceable.

(b) The provisions of this compact shall be liberally constructed to effectuate its purposes.

ARTICLE XIII

BINDING EFFECT OF COMPACT AND OTHER LAWS

(a) **Except as provided in subsection (c)**, all lawful actions of the interstate commission, including all rules and bylaws adopted by the interstate commission, are binding upon the compacting states. All agreements between the interstate commission and the compacting states are binding in accordance with their terms. Upon the request of a party to a conflict over meaning or interpretation of interstate commission actions, and upon a majority vote of the compacting states, the interstate commission may issue advisory opinions regarding such meaning or interpretation.

(b) Any provision of this compact that violates the Constitution of the State of Indiana is ineffective in Indiana.

(c) After July 1, 2008, a state may not send an offender to Indiana who:

- (1) has been convicted of murder, including an attempt or a conspiracy to commit murder, in any jurisdiction;**
- (2) is a sexually violent predator under IC 35-38-1-7.5; or**
- (3) has committed an offense or a combination of offenses described in IC 35-38-1-7.5(b) in any jurisdiction that, if committed in Indiana, would make the offender a sexually violent predator;**

unless the offender is under or subject to supervision for the remainder of the offender's life.

SECTION 27. IC 25-20.2-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) An individual who applies for a license as a home inspector must do the following:

(1) Furnish evidence satisfactory to the board showing that the individual:

- (A) is at least eighteen (18) years of age;
 - (B) has graduated from high school or earned an Indiana general educational development (GED) diploma; and
 - (C) has not been:
 - (i) convicted of an act that would constitute a ground for disciplinary sanction under IC 25-1-11;
 - (ii) convicted of a crime that has a direct bearing on the individual's ability to perform competently and fully as a licensee;
 - (iii) listed on a national or state registry of sex **or violent** offenders; or
 - (iv) the subject of a disciplinary or enforcement action by another state or a local jurisdiction in connection with the performance of home inspections or the licensing or certification of home inspectors.
- (2) Verify the information submitted on the application form.

(3) Complete a board approved training program or course of study involving the performance of home inspections and the preparation of home inspection reports and pass an examination prescribed or approved by the board.

(4) Submit to the board a certificate of insurance or other evidence of financial responsibility that is acceptable to the board and that:

- (A) is issued by an insurance company or other legal entity authorized to transact business in Indiana;
- (B) provides for general liability coverage of at least one hundred thousand dollars (\$100,000);
- (C) lists the state as an additional insured;
- (D) states that cancellation and nonrenewal of the underlying policy or other evidence of financial responsibility is not effective until the board receives at least ten (10) days prior written notice of the cancellation or nonrenewal; and
- (E) contains any other terms and conditions established by the board.

(5) Pay a licensing fee established by the board.

(b) An individual applying for a license as a home inspector must apply on a form prescribed and provided by the board.

SECTION 28. IC 31-19-11-1, AS AMENDED BY P.L.140-2006, SECTION 17 AND P.L.173-2006, SECTION 17, AND AS AMENDED BY P.L.145-2006, SECTION 253, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Whenever the court has heard the evidence and finds that:

- (1) the adoption requested is in the best interest of the child;
- (2) the petitioner or petitioners for adoption are of sufficient ability to rear the child and furnish suitable support and education;
- (3) the report of the investigation and recommendation under IC 31-19-8-5 has been filed;
- (4) the attorney or agency arranging an adoption has filed with the court an affidavit prepared by the state department of health under IC 31-19-5-16 indicating whether a man is entitled to notice of the adoption because the man has registered with the putative father registry in accordance with IC 31-19-5;
- (5) proper notice arising under subdivision (4), if notice is necessary, of the adoption has been given;
- (6) the attorney or agency has filed with the court an affidavit prepared by the state department of health under:
 - (A) IC 31-19-6 indicating whether a record of a paternity determination; or
 - (B) IC 16-37-2-2(g) indicating whether a paternity affidavit executed under IC 16-37-2-2.1;
 has been filed in relation to the child;
- (7) proper consent, if consent is necessary, to the adoption has been given;
- (8) the petitioner for adoption is not prohibited from adopting the child as the result of an inappropriate criminal history described in subsection (c) or (d); and
- (9) the person, licensed child placing agency, or county office of family and children that has placed the child for adoption has provided the documents and other information required

under IC 31-19-17 to the prospective adoptive parents; the court shall grant the petition for adoption and enter an adoption decree.

(b) A court may not grant an adoption unless the ~~department's~~ *state department of health's* affidavit under IC 31-19-5-16 is filed with the court as provided under subsection (a)(4).

(c) A conviction of a felony or a misdemeanor related to the health and safety of a child by a petitioner for adoption is a permissible basis for the court to deny the petition for adoption. In addition, the court may not grant an adoption if a petitioner for adoption has been convicted of any of the felonies described as follows:

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).
- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery as a felony (IC 35-42-2-1).
- (7) Aggravated battery (IC 35-42-2-1.5).
- (8) Kidnapping (IC 35-42-3-2).
- (9) Criminal confinement (IC 35-42-3-3).
- (10) A felony sex offense under IC 35-42-4.
- (11) Carjacking (IC 35-42-5-2).
- (12) Arson (IC 35-43-1-1).
- (13) Incest (IC 35-46-1-3).
- (14) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).
- (15) Child selling (IC 35-46-1-4(d)).
- (16) A felony involving a weapon under IC 35-47 or IC 35-47.5.
- (17) A felony relating to controlled substances under IC 35-48-4.
- (18) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.
- (19) A felony that is substantially equivalent to a felony listed in subdivisions (1) through (18) for which the conviction was entered in another state.

However, the court is not prohibited from granting an adoption based upon a felony conviction under subdivision (6), (11), (12), (16), or (17), or its equivalent under subdivision (19), if the offense was not committed within the immediately preceding five (5) year period.

(d) A court may not grant an adoption if the petitioner is ~~an~~ *a* sex or violent offender (as defined in ~~IC 5-2-12-4~~ IC 11-8-8-5).

SECTION 29. IC 35-43-1-2, AS AMENDED BY P.L.173-2006, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) A person who:

- (1) recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent; or
- (2) knowingly or intentionally causes another to suffer pecuniary loss by deception or by an expression of intention to injure another person or to damage the property or to impair the rights of another person;

commits criminal mischief, a Class B misdemeanor. However, the offense is:

(A) a Class A misdemeanor if:

- (i) the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500);
- (ii) the property damaged was a moving motor vehicle;
- (iii) the property damaged contained data relating to a person required to register as a sex **or violent** offender under IC 11-8-8 and the person is not a sex **or violent** offender or was not required to register as a sex **or violent** offender;
- (iv) the property damaged was a locomotive, a railroad car, a train, or equipment of a railroad company being operated on a railroad right-of-way;
- (v) the property damaged was a part of any railroad signal system, train control system, centralized dispatching system, or highway railroad grade crossing warning signal on a railroad right-of-way owned, leased, or operated by a railroad company;
- (vi) the property damaged was any rail, switch, roadbed, viaduct, bridge, trestle, culvert, or embankment on a right-of-way owned, leased, or operated by a railroad company; or
- (vii) the property damage or defacement was caused by paint or other markings; and

(B) a Class D felony if:

- (i) the pecuniary loss is at least two thousand five hundred dollars (\$2,500);
- (ii) the damage causes a substantial interruption or impairment of utility service rendered to the public;
- (iii) the damage is to a public record;
- (iv) the property damaged contained data relating to a person required to register as a sex **or violent** offender under IC 11-8-8 and the person is a sex **or violent** offender or was required to register as a sex **or violent** offender;
- (v) the damage causes substantial interruption or impairment of work conducted in a scientific research facility;
- (vi) the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5); or
- (vii) the damage causes substantial interruption or impairment of work conducted in a food processing facility.

(b) A person who recklessly, knowingly, or intentionally damages:

- (1) a structure used for religious worship;
- (2) a school or community center;
- (3) the grounds:
 - (A) adjacent to; and
 - (B) owned or rented in common with;
 a structure or facility identified in subdivision (1) or (2); or
- (4) personal property contained in a structure or located at a facility identified in subdivision (1) or (2);

without the consent of the owner, possessor, or occupant of the property that is damaged, commits institutional criminal mischief, a Class A misdemeanor. However, the offense is a Class D felony if the pecuniary loss is at least two hundred fifty dollars (\$250) but

less than two thousand five hundred dollars (\$2,500), and a Class C felony if the pecuniary loss is at least two thousand five hundred dollars (\$2,500).

(c) If a person is convicted of an offense under this section that involves the use of graffiti, the court may, in addition to any other penalty, order that the person's operator's license be suspended or invalidated by the bureau of motor vehicles for not more than one (1) year.

(d) The court may rescind an order for suspension or invalidation under subsection (c) and allow the person to receive a license or permit before the period of suspension or invalidation ends if the court determines that:

- (1) the person has removed or painted over the graffiti or has made other suitable restitution; and
- (2) the person who owns the property damaged or defaced by the criminal mischief or institutional criminal mischief is satisfied with the removal, painting, or other restitution performed by the person.

SECTION 30. IC 35-50-2-2, AS AMENDED BY P.L.151-2006, SECTION 28, AND AS AMENDED BY P.L.140-2006, SECTION 36 AND P.L.173-2006, SECTION 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The court may suspend any part of a sentence for a felony, except as provided in this section or in section 2.1 of this chapter.

(b) With respect to the following crimes listed in this subsection, the court may suspend only that part of the sentence that is in excess of the minimum sentence, unless the court has approved placement of the offender in a forensic diversion program under IC 11-12-3.7:

- (1) The crime committed was a Class A or Class B felony and the person has a prior unrelated felony conviction.
- (2) The crime committed was a Class C felony and less than seven (7) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class C felony for which the person is being sentenced.
- (3) The crime committed was a Class D felony and less than three (3) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class D felony for which the person is being sentenced. However, the court may suspend the minimum sentence for the crime only if the court orders home detention under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum sentence specified for the crime under this chapter.

(4) The felony committed was:

- (A) murder (IC 35-42-1-1);
- (B) battery (IC 35-42-2-1) with a deadly weapon or battery causing death;
- (C) sexual battery (IC 35-42-4-8) with a deadly weapon;
- (D) kidnapping (IC 35-42-3-2);
- (E) confinement (IC 35-42-3-3) with a deadly weapon;
- (F) rape (IC 35-42-4-1) as a Class A felony;
- (G) criminal deviate conduct (IC 35-42-4-2) as a Class A felony;

(H) child molesting (IC 35-42-4-3) as a Class A or Class B felony;
 (I) robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon;
 (J) arson (IC 35-43-1-1) for hire or resulting in serious bodily injury;
 (K) burglary (IC 35-43-2-1) resulting in serious bodily injury or with a deadly weapon;
 (L) resisting law enforcement (IC 35-44-3-3) with a deadly weapon;
 (M) escape (IC 35-44-3-5) with a deadly weapon;
 (N) rioting (IC 35-45-1-2) with a deadly weapon;
 (O) dealing in cocaine *or* a narcotic drug ~~or methamphetamine~~ (IC 35-48-4-1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

- (i) school property;
- (ii) a public park;
- (iii) a family housing complex; or
- (iv) a youth program center;

(P) *dealing in methamphetamine (IC 35-48-4-1.1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver the methamphetamine pure or adulterated to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:*

- (i) school property;
- (ii) a public park;
- (iii) a family housing complex; or
- (iv) a youth program center;

(Q) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

- (i) school property;
- (ii) a public park;
- (iii) a family housing complex; or
- (iv) a youth program center;

~~(R)~~ (R) an offense under IC 9-30-5 (operating a vehicle while intoxicated) and the person who committed the offense has accumulated at least two (2) prior unrelated convictions under IC 9-30-5;

~~(S)~~ (S) an offense under IC 9-30-5-5(b) (operating a vehicle while intoxicated causing death); or

~~(T)~~ (T) aggravated battery (IC 35-42-2-1.5).

(c) Except as provided in subsection (e), whenever the court suspends a sentence for a felony, it shall place the person on probation under IC 35-38-2 for a fixed period to end not later than the date that the maximum sentence that may be imposed for the felony will expire.

(d) The minimum sentence for a person convicted of voluntary manslaughter may not be suspended unless the court finds at the sentencing hearing that the crime was not committed by means of a deadly weapon.

(e) Whenever the court suspends that part of ~~the sentence of an~~ ~~a sex offender's or violent offender~~ (as defined in ~~IC 5-2-12-4~~ ~~IC 11-8-8-5~~) ~~sentence~~ that is suspendible under subsection (b), the court shall place the ~~sex or violent~~ offender on probation under IC 35-38-2 for not more than ten (10) years.

(f) An additional term of imprisonment imposed under IC 35-50-2-11 may not be suspended.

(g) A term of imprisonment imposed under IC 35-47-10-6 or IC 35-47-10-7 may not be suspended if the commission of the offense was knowing or intentional.

(h) A term of imprisonment imposed for an offense under IC 35-48-4-6(b)(1)(B) *or IC 35-48-4-6.1(b)(1)(B)* may not be suspended.

SECTION 31. IC 36-2-13-5.5, AS AMENDED BY P.L.173-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.5. (a) The sheriffs shall jointly establish and maintain an Indiana sex **and violent** offender **registry** web site, known as the Indiana sex **and violent** offender registry, to inform the general public about the identity, location, and appearance of every sex **or violent** offender residing within Indiana. The web site must provide information regarding each sex **or violent** offender, organized by county of residence. The web site shall be updated at least daily.

(b) The Indiana sex **and violent** offender **registry** web site must include the following information:

- (1) A recent photograph of every sex **or violent** offender who has registered with a sheriff. ~~after the effective date of this chapter.~~
- (2) The home address of every sex **or violent** offender.
- (3) The information required under IC 11-8-8-8.

(c) Every time a sex **or violent** offender registers, but at least once per year, the sheriff shall photograph the sex **or violent** offender. The sheriff shall place this photograph on the Indiana sex **and violent** offender **registry** web site.

(d) The photograph of a sex **or violent** offender described in subsection (c) must meet the following requirements:

- (1) The photograph must be full face, front view, with a plain white or off-white background.
- (2) The image of the offender's face, measured from the bottom of the chin to the top of the head, must fill at least seventy-five percent (75%) of the photograph.
- (3) The photograph must be in color.
- (4) The photograph must show the offender dressed in normal street attire, without a hat or headgear that obscures the hair or hairline.
- (5) If the offender normally and consistently wears prescription glasses, a hearing device, wig, or a similar article, the photograph must show the offender wearing those items. A photograph may not include dark glasses or nonprescription glasses with tinted lenses unless the offender can provide a medical certificate demonstrating that tinted lenses are required for medical reasons.

(6) The photograph must have sufficient resolution to permit the offender to be easily identified by a person accessing the Indiana sex **and violent** offender **registry** web site.

(e) The Indiana sex **and violent** offender **registry** web site may be funded from:

- (1) the jail commissary fund (IC 36-8-10-21);
- (2) a grant from the criminal justice institute; and
- (3) any other source, subject to the approval of the county fiscal body.

SECTION 32. IC 36-3-1-5.1, AS AMENDED BY P.L.1-2006, SECTION 559, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.1. (a) Except for those duties that are reserved by law to the county sheriff in this section, the city-county legislative body may by majority vote adopt an ordinance, approved by the mayor, to consolidate the police department of the consolidated city and the county sheriff's department.

(b) The city-county legislative body may not adopt an ordinance under this section unless it first:

- (1) holds a public hearing on the proposed consolidation; and
- (2) determines that:
 - (A) reasonable and adequate police protection can be provided through the consolidation; and
 - (B) the consolidation is in the public interest.

(c) If an ordinance is adopted under this section, the consolidation shall take effect on the date specified in the ordinance.

(d) Notwithstanding any other law, an ordinance adopted under this section must provide that the county sheriff's department shall be responsible for all the following for the consolidated city and the county under the direction and control of the sheriff:

- (1) County jail operations and facilities.
- (2) Emergency communications.
- (3) Security for buildings and property owned by:
 - (A) the consolidated city;
 - (B) the county; or
 - (C) both the consolidated city and county.
- (4) Service of civil process and collection of taxes under tax warrants.
- (5) Sex **or violent** offender registration.

(e) The following apply if an ordinance is adopted under this section:

- (1) The department of local government finance, on recommendation from the local government tax control board, shall adjust the maximum permissible ad valorem property tax levy of the consolidated city and the county for property taxes first due and payable in the year a consolidation takes effect under this section. When added together, the adjustments under this subdivision must total zero (0).
- (2) The ordinance must specify which law enforcement officers of the police department and which law enforcement officers of the county sheriff's department shall be law enforcement officers of the consolidated law enforcement department.
- (3) The ordinance may not prohibit the providing of law enforcement services for an excluded city under an interlocal agreement under IC 36-1-7.

(4) A member of the county police force who:

(A) was an employee beneficiary of the sheriff's pension trust before the consolidation of the law enforcement departments; and

(B) after the consolidation becomes a law enforcement officer of the consolidated law enforcement department; remains an employee beneficiary of the sheriff's pension trust. The member retains, after the consolidation, credit in the sheriff's pension trust for service earned while a member of the county police force and continues to earn service credit in the sheriff's pension trust as a member of the consolidated law enforcement department for purposes of determining the member's benefits from the sheriff's pension trust.

(5) A member of the police department of the consolidated city who:

(A) was a member of the 1953 fund or the 1977 fund before the consolidation of the law enforcement departments; and

(B) after the consolidation becomes a law enforcement officer of the consolidated law enforcement department; remains a member of the 1953 fund or the 1977 fund. The member retains, after the consolidation, credit in the 1953 fund or the 1977 fund for service earned while a member of the police department of the consolidated city and continues to earn service credit in the 1953 fund or the 1977 fund as a member of the consolidated law enforcement department for purposes of determining the member's benefits from the 1953 fund or the 1977 fund.

(6) The ordinance must designate the merit system that shall apply to the law enforcement officers of the consolidated law enforcement department.

(7) The ordinance must designate who shall serve as a coapplicant for a warrant or an extension of a warrant under IC 35-33.5-2.

(8) The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax levy limit to provide for the payment of the expenses for the operation of the consolidated law enforcement department. The police special service district established under section 6 of this chapter may levy property taxes to provide for the payment of expenses for the operation of the consolidated law enforcement department within the territory of the police special service district. Property taxes to fund the pension obligation under IC 36-8-7.5 may be levied only by the police special service district within the police special service district. The consolidated city may not levy property taxes to fund the pension obligation under IC 36-8-7.5. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were members of the police department of the consolidated city on the effective date of the consolidation may be levied only by the police special service district within the police special service district. Property taxes to fund the pension obligation under IC 36-8-10 for members of the sheriff's pension trust and under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were not members of the police department of the

consolidated city on the effective date of the consolidation may be levied by the consolidated city within the consolidated city's maximum permissible ad valorem property tax levy. The assets of the consolidated city's 1953 fund and the assets of the sheriff's pension trust may not be pledged after the effective date of the consolidation as collateral for any loan. (9) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year following the adoption of the consolidation ordinance and for the following two (2) years, to determine:

- (A) the amount of any cost savings, operational efficiencies, or improved service levels; and
- (B) any tax shifts among taxpayers;

that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the ~~state~~ budget committee.

SECTION 33. IC 36-8-10-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. (a) This section applies to any county that has a jail commissary that sells merchandise to inmates.

(b) A jail commissary fund is established, referred to in this section as "the fund". The fund is separate from the general fund, and money in the fund does not revert to the general fund.

(c) The sheriff, or ~~his~~ **the sheriff's** designee, shall deposit all money from commissary sales into the fund, which ~~he~~ **the sheriff or the sheriff's designee** shall keep in a depository designated under IC 5-13-8.

(d) The sheriff, or ~~his~~ **the sheriff's** designee, at ~~his~~ **the sheriff's or the sheriff's designee's** discretion and without appropriation by the county fiscal body, may disburse money from the fund for:

- (1) merchandise for resale to inmates through the commissary;
- (2) expenses of operating the commissary, including, but not limited to, facilities and personnel;
- (3) special training in law enforcement for employees of the sheriff's department;
- (4) equipment installed in the county jail;
- (5) equipment, including vehicles and computers, computer software, communication devices, office machinery and furnishings, cameras and photographic equipment, animals, animal training, holding and feeding equipment and supplies, or attire used by an employee of the sheriff's department in the course of the employee's official duties;
- (6) an activity provided to maintain order and discipline among the inmates of the county jail;
- (7) an activity or program of the sheriff's department intended to reduce or prevent occurrences of criminal activity, including the following:
 - (A) Substance abuse.
 - (B) Child abuse.
 - (C) Domestic violence.
 - (D) Drinking and driving.
 - (E) Juvenile delinquency;
- (8) expenses related to the establishment, operation, or maintenance of the sex **and violent** offender **registry** web site under IC 36-2-13-5.5; or

(9) any other purpose that benefits the sheriff's department that is mutually agreed upon by the county fiscal body and the county sheriff.

Money disbursed from the fund under this subsection must be supplemental or in addition to, rather than a replacement for, regular appropriations made to carry out the purposes listed in subdivisions (1) through (8).

(e) The sheriff shall maintain a record of the fund's receipts and disbursements. The state board of accounts shall prescribe the form for this record. The sheriff shall semiannually provide a copy of this record of receipts and disbursements to the county fiscal body. The semiannual reports are due on July 1 and December 31 of each year. (Reference is to SB 78 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Corrections, Criminal and Civil Matters.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 335, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 25-1-4-5, AS ADDED BY P.L.157-2006, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter **or IC 25-1-8-6** at the time that the practitioner applies for license renewal **or reinstatement** or after an audit conducted under section 3 of this chapter, the board shall do the following:

- (1) Send the practitioner notice of noncompliance by certified mail.
- (2) As a condition of license renewal **or reinstatement**, require the practitioner to comply with subsection (b).
- (3) **For license renewal**, issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).
- (b) Upon receipt of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:
 - (1) If the practitioner believes that the practitioner has complied with this chapter **or IC 25-1-8-6, if applicable**, within twenty-one (21) days of receipt of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.
 - (2) If the practitioner does not disagree with the board's determination of noncompliance, do the following:
 - (A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars (\$1,000) within twenty-one (21) days of receipt of the notice.
 - (B) Acquire, within six (6) months after receiving the notice, the number of credit hours needed to achieve full

compliance.

(C) Comply with all other provisions of this chapter.

(c) If a practitioner fails to comply with subsection (b), the board shall immediately suspend **or refuse to reinstate** the license of the practitioner and send notice of the suspension **or refusal** to the practitioner by certified mail.

(d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars (\$5,000) under subsection (b)(2)(A).

(e) The board shall:

- (1) reinstate a ~~practitioner suspended under subsection (c);~~ **practitioner's license;** or
- (2) renew the practitioner's license in place of the conditional license issued under subsection (a)(3);

if the practitioner supplies proof of compliance with this chapter under subsection (b)(1) **or IC 25-1-8-6, if applicable.**

SECTION 2. IC 25-1-4-6, AS ADDED BY P.L.157-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Notwithstanding any other law, if at the time a practitioner applies for license renewal **or reinstatement** or after an audit conducted under section 3 of this chapter, the board determines that the practitioner has failed to comply with this chapter **or IC 25-1-8-6, if applicable**, and the practitioner has previously received a notice of noncompliance under section 5(a) of this chapter during the preceding license period, the board shall do the following:

- (1) Provide the practitioner notice of noncompliance by certified mail.
- (2) Deny the practitioner's application for license renewal **or reinstatement.**

(b) The board shall reinstate a license not renewed under subsection (a) upon occurrence of the following:

- (1) Payment by a practitioner to the board of a civil penalty determined by the board, but not to exceed one thousand dollars (\$1,000).
- (2) Acquisition by the practitioner of the number of credit hours required to be obtained by the practitioner during the relevant license period.
- (3) The practitioner otherwise complies with this chapter.

SECTION 3. IC 25-1-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Notwithstanding any other provision regarding the fees to be assessed by a board, a board shall establish by rule and cause to be collected fees for the following:

- (1) Examination of applicants for licensure, registration, or certification.
- (2) Issuance, renewal, or transfer of a license, registration, or certificate.
- (3) Restoration of an expired license, registration, or certificate when such action is authorized by law.
- (4) Issuance of licenses by reciprocity or endorsement for out-of-state applicants.
- (5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or

registered in Indiana who apply to another state for a license. No fee shall be less than ten dollars (\$10) unless the fee is collected under a rule adopted by the board which sets a fee for miscellaneous expenses incurred by the board on behalf of the practitioners the board regulates.

(b) Fees established by statute shall remain in effect until replaced by a new fee adopted by rule under this section.

(c) In no case shall the fees be less than are required to pay all of the costs, both direct and indirect, of the operation of the board.

(d) For the payment of fees, a board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check. If a board receives an uncertified personal check for the payment of a fee and if the check does not clear the bank, the board may void the license, registration, or certificate for which the check was received.

(e) Unless designated by rule, a fee is not refundable.

(f) A board shall charge a fee of not more than ~~ten dollars (\$10)~~ **twenty-five dollars (\$25)** for the issuance of a duplicate license, registration, or certificate.

SECTION 4. IC 25-1-8-6, AS AMENDED BY P.L.157-2006, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) As used in this section, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- (6) State boxing commission (IC 25-9-1).
- (7) Board of chiropractic examiners (IC 25-10-1).
- (8) State board of cosmetology examiners (IC 25-8-3-1).
- (9) State board of dentistry (IC 25-14-1).
- (10) Indiana dietitians certification board (IC 25-14.5-2-1).
- (11) State board of registration for professional engineers (IC 25-31-1-3).
- (12) Board of environmental health specialists (IC 25-32-1).
- (13) State board of funeral and cemetery service (IC 25-15-9).
- (14) Indiana state board of health facility administrators (IC 25-19-1).
- (15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).
- (16) Home inspectors licensing board (IC 25-20.2-3-1).
- (17) Indiana hypnotist committee (IC 25-20.5-1-7).
- (18) State board of registration for land surveyors (IC 25-21.5-2-1).
- (19) Manufactured home installer licensing board (IC 25-23.7).
- (20) Medical licensing board of Indiana (IC 25-22.5-2).
- (21) Indiana state board of nursing (IC 25-23-1).
- (22) Occupational therapy committee (IC 25-23.5).
- (23) Indiana optometry board (IC 25-24).
- (24) Indiana board of pharmacy (IC 25-26).
- (25) Indiana physical therapy committee (IC 25-27).
- (26) Physician assistant committee (IC 25-27.5).
- (27) Indiana plumbing commission (IC 25-28.5-1-3).
- (28) Board of podiatric medicine (IC 25-29-2-1).

- (29) Private detectives licensing board (IC 25-30-1-5.1).
- (30) State psychology board (IC 25-33).
- (31) Indiana real estate commission (IC 25-34.1-2).
- (32) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (33) Respiratory care committee (IC 25-34.5).
- (34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (35) Speech-language pathology and audiology board (IC 25-35.6-2).
- (36) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration **and except as provided in section 8 of this chapter**, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; ~~for the current renewal period; or~~

(B) if the holder has not complied with the continuing education requirements, is subject to the requirements under IC 25-1-4-5 and IC 25-1-4-6.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration **and except as provided in section 8 of this chapter**, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; ~~for the current renewal period; or~~

(B) if the holder has not complied with the continuing education requirements, is subject to the requirements under IC 25-1-4-5 and IC 25-1-4-6.

- (5) Complete such remediation and additional training as

deemed appropriate by the board given the lapse of time involved.

(6) Any other requirement that is provided for in statute or rule that is not related to fees.

SECTION 5. IC 25-1-8-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION [EFFECTIVE JULY 1, 2007]: **Sec. 8. (a) As used in this section, "board" has the meaning set forth in section 6(a) of this chapter.**

(b) The licensing agency may delay reinstating a license, certificate, or registration for not more than ninety (90) days after the date the applicant applies for reinstatement of a license, certificate, or registration to permit the board to investigate information received by the licensing agency that the applicant for reinstatement may have committed an act for which the applicant may be disciplined. If the licensing agency delays reinstating a license, certificate, or registration, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (c), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

(1) Deny reinstatement of the license, certificate, or registration following a personal appearance by the applicant before the board.

(2) Reinstatement of the license, certificate, or registration upon satisfaction of all other requirements for reinstatement.

(3) Reinstatement of the license and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (c) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, reinstate the license, certificate, or registration and place the applicant on probation status under IC 25-1-9-9 or IC 25-1-11-12.

(c) If an applicant fails to appear before the board under subsection (b), the board may take action as provided in subsection (b)(1), (b)(2), or (b)(3).

(d) If the board makes a request under subsection (b)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds that the applicant violated IC 25-1-9-4 or IC 25-1-11-5, the board may impose sanctions under IC 25-1-9-9 or IC 25-1-11-12. The board may delay reinstating a license, certificate, or registration beyond ninety (90) days after the date the applicant files an application for reinstatement of a license, certificate, or registration until a final determination is made by the board. The applicant's license, certificate, or registration is invalid until the final determination of the board is rendered unless the reinstatement is:

- (1) denied; or
- (2) summarily suspended under IC 25-1-9-10 or IC 25-1-11-13.

(e) The license, certificate, or registration of the applicant for license reinstatement remains invalid during the ninety (90) day period unless the license, certificate, or registration is reinstated following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license, certificate, or registration shall be automatically reinstated at the end of the ninety (90) day period.

SECTION 6. IC 25-1-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A practitioner shall conduct the practitioner's practice in accordance with the standards established by the board regulating the profession in question and is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds:

- (1) a practitioner has:
 - (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, **including cheating on a licensing examination;**
 - (B) engaged in fraud or material deception in the course of professional services or activities; ~~or~~
 - (C) advertised services in a false or misleading manner; **or**
 - (D) engaged in abusive or fraudulent billing practices, including fraud under the following:**
 - (i) Medicaid (42 U.S.C. 1396 et seq.).**
 - (ii) Medicare (42 U.S.C. 1395 et seq.).**
 - (iii) Children's health insurance program under IC 12-17-6.**
 - (iv) Insurance claims.**
- (2) a practitioner has been convicted of a crime that:
 - (A) has a direct bearing on the practitioner's ability to continue to practice competently; or**
 - (B) is harmful to the public;**
- (3) a practitioner has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question;
- (4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:
 - (A) professional incompetence that:
 - (i) may include the undertaking of professional activities that the practitioner is not qualified by training or experience to undertake; and
 - (ii) does not include activities performed under IC 16-21-2-9;
 - (B) failure to keep abreast of current professional theory or practice;
 - (C) physical or mental disability; or
 - (D) addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
- (5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual who renders services beyond the scope of that

individual's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any ~~other~~ state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has diverted:

(A) a legend drug (as defined in IC 16-18-2-199); or

(B) any other drug or device issued under a drug order (as defined in IC 16-42-19-3) for another person;

(9) a practitioner, except as otherwise provided by law, has knowingly prescribed, sold, or administered any drug classified as a narcotic, addicting, or dangerous drug to a habitue or addict;

(10) a practitioner has failed to comply with an order imposing a sanction under section 9 of this chapter;

(11) a practitioner has engaged in sexual contact with a patient under the practitioner's care or has used the practitioner-patient relationship to solicit sexual contact with a patient under the practitioner's care; ~~or~~

(12) a practitioner who is a participating provider of a health maintenance organization has knowingly collected or attempted to collect from a subscriber or enrollee of the health maintenance organization any sums that are owed by the health maintenance organization; **or**

(13) a practitioner has assisted another person in committing an act that would be grounds for disciplinary sanctions under this chapter.

(b) A practitioner who provides health care services to the practitioner's spouse is not subject to disciplinary action under subsection (a)(11).

(c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

SECTION 7. IC 25-1-9-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

(1) the applicant has been disciplined by a licensing entity of ~~another any~~ state or jurisdiction, or has committed an act that would have subjected the applicant to the disciplinary process had the applicant been licensed in Indiana when the act occurred; and

(2) the violation for which the applicant was, or could have been, disciplined has a direct bearing on the applicant's ability to competently practice in Indiana.

(b) The board may:

(1) refuse to issue a license; or

(2) issue a probationary license;

to an applicant for licensure if the applicant practiced without a license in violation of the law.

~~(b)~~ (c) Whenever the board issues a probationary license, the board may impose one (1) or more of the following conditions:

(1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.

(2) Limit practice to those areas prescribed by the board.

(3) Continue or renew professional education.

(4) Engage in community restitution or service without compensation for a number of hours specified by the board.

(5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

~~(c)~~ **(d)** The board shall remove any limitations placed on a probationary license under this section if the board finds after a hearing that the deficiency that required disciplinary action has been remedied.

SECTION 8. IC 25-1-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

(1) a practitioner has:

(A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;

(B) engaged in fraud or material deception in the course of professional services or activities; ~~or~~

(C) advertised services or goods in a false or misleading manner; ~~or~~

(D) engaged in abusive or fraudulent billing practices, including fraud under the following:

(i) Medicaid (42 U.S.C. 1396 et seq.).

(ii) Medicare (42 U.S.C. 1395 et seq.).

(iii) Children's health insurance program under IC 12-17.6.

(iv) Insurance claims.

(2) a practitioner has been convicted of a crime that:

(A) has a direct bearing on the practitioner's ability to continue to practice competently; ~~or~~

(B) is harmful to the public;

(3) a practitioner has knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;

(4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence, including undertaking professional activities that the practitioner is not qualified by training or experience to undertake;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in ~~another~~ **any** state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; ~~or~~

(9) a practitioner has allowed a license issued by a board to be:

(A) used by another person; or

(B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended; ~~or~~

(10) a practitioner has failed to comply with an order imposing a sanction under section 12 of this chapter.

(b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).

~~(c) The board may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law.~~

~~(d) (c)~~ A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7). ~~or subsection (c):~~

SECTION 9. IC 25-1-11-19, AS ADDED BY P.L.194-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

(1) the applicant has:

(A) been disciplined by a licensing entity of another state or jurisdiction; or

(B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and

(2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.

(b) The board may:

(1) refuse to issue a license; or

(2) issue a probationary license;

to an applicant for licensure if the applicant practiced without a license in violation of the law.

~~(b) (c)~~ Whenever the board issues a probationary license, the board may require a licensee to do any of the following:

(1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.

(2) Limit practice to the areas prescribed by the board.

(3) Continue or renew professional education requirements.

(4) Engage in community restitution or service without compensation for the number of hours specified by the board.

(5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

~~(c) (d)~~ The board shall remove any limitations placed on a probationary license under this section if the board finds after a

public hearing that the deficiency that required disciplinary action has been remedied.

SECTION 10. IC 25-2.1-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. "Quality review" means a study, an appraisal, or a review of at least one (1) aspect of the professional work of an individual or a firm in the practice of accountancy, by at least one (1) individual who:

- (1) holds a **valid CPA certificate from any state**; and ~~who~~
- (2) is independent of the individual or firm being reviewed.

SECTION 11. IC 25-7-7-3, AS AMENDED BY P.L.157-2006, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The application described in section 2 of this chapter must state that:

- (1) the proposed school will require students to successfully complete at least one thousand five hundred (1,500) hours of course work as a requirement for graduation;
- (2) not more than ~~eight (8)~~ **ten (10)** hours of course work may be taken by a student during one (1) day;
- (3) the course work will provide instruction to students in all theories and practical applications of barbering, including:
 - (A) the scientific fundamentals for barbering, hygiene, and bacteriology;
 - (B) the histology of hair, skin, muscles, and nerves;
 - (C) the structure of the head, face, and neck;
 - (D) elementary chemistry relating to sterilization and antiseptics;
 - (E) cutting, shaving, arranging, dressing, coloring, bleaching, tinting, and permanent waving of the hair; and
 - (F) at least ten (10) hours of study on skin and diseases of the skin under a certified dermatologist;
- (4) the school will provide one (1) instructor for each group of twenty (20) or fewer students;
- (5) the school will be operated under the personal supervision of a licensed barber instructor;
- (6) the applicant has obtained:
 - (A) a building permit;
 - (B) a certificate of occupancy; or
 - (C) any other planning approval required under IC 22-15-3 and IC 36-7-4;

required to operate the school;

(7) the school, if located in the same building as a residence, will:

- (A) be separated from the residence by a substantial floor to ceiling partition; and
- (B) have a separate entrance;
- (8) as a requirement for graduation, the proposed school must:
 - (A) administer; and
 - (B) require the student to pass;

a final practical demonstration examination of the acts permitted by the license; and

(9) the applicant has paid the fee set forth in IC 25-7-11-2.

SECTION 12. IC 25-8-2-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2007]: **Sec. 15.5. "Mobile salon" means either of the following:**

- (1) **A self-contained facility that may be moved, towed, or transported from one (1) location to another in which**

cosmetology, electrology, esthetics, or manicuring is practiced.

(2) A business in which cosmetology, electrology, esthetics, or manicuring equipment is transported to and used on a temporary basis at a location other than a selected salon site, including:

- (A) other cosmetology, electrology, esthetic, or manicuring salons;**
- (B) clients' homes; and**
- (C) nursing homes.**

SECTION 13. IC 25-8-3-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23. **(a)** The board shall adopt rules under IC 4-22-2 to:

- (1) prescribe sanitary requirements for:
 - (A) cosmetology salons;
 - (B) electrology salons;
 - (C) esthetic salons;
 - (D) manicuring salons; and
 - (E) cosmetology schools;
- (2) establish standards for the practice of cosmetology and the operation of:
 - (A) cosmetology salons;
 - (B) electrology salons;
 - (C) esthetic salons;
 - (D) manicuring salons; and
 - (E) cosmetology schools;
- (3) implement the licensing system under this article and provide for a staggered renewal system for licenses; and
- (4) establish requirements for cosmetology school uniforms for students and instructors.

(b) The board may adopt rules under IC 4-22-2 to establish the following for the practice of cosmetology, electrology, esthetics, or manicuring in a mobile salon:

- (1) Personnel requirements.**
- (2) Sanitation standards.**
- (3) Safety requirements.**
- (4) Permanent address requirements at which the following are located:**
 - (A) Records of appointments.**
 - (B) License numbers of employees.**
 - (C) If applicable, the vehicle identification number of the license holder's self-contained facility.**
- (5) Enforcement actions to ensure compliance with the requirements under this article and all local laws and ordinances.**

SECTION 14. IC 25-8-4-21, AS AMENDED BY P.L.157-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. **(a)** Except as provided in IC 25-8-9-11, the board may, upon application, reinstate a license under this chapter that has expired if the person holding the license:

- (1) pays renewal fees established by the board under IC 25-1-8-2;
- (2) pays the license reinstatement fee established under IC 25-1-8-6; and
- (3) complies with all **of the** requirements **imposed by this article on an applicant for an initial license to perform the acts authorized by the license being reinstated; other than receiving a satisfactory grade (as defined in section 9 of this chapter) on**

an examination prescribed by the board: established under IC 25-1-8-6.

(b) Except as provided in subsection (e), the board may not reinstate a license issued under this article if the person holding the license does not apply for reinstatement within four (4) years after the expiration date of the license, unless the person holding the license;

- (1) receives a satisfactory grade (as described in section 9 of this chapter) on an examination prescribed by the board;
- (2) pays the examination fee set forth in IC 25-1-8-2;
- (3) pays the renewal fees established by the board under IC 25-1-8-2; and
- (4) pays the reinstatement fee established under IC 25-1-8-6.

(c) If a person does not receive a satisfactory grade on the examination described in subsection (b)(1), the person may repeat the examination subject to the rules governing the examination as adopted by the board.

(d) If a person does not receive a satisfactory grade on a repeat examination as provided in subsection (c), the board may:

- (1) permit the person to take the examination again;
- (2) complete remediation and additional training as required by the board before the person is permitted to take the examination again; or
- (3) refuse to permit the person to take the examination again and deny the application for reinstatement of the license.

(e) The board may not reinstate:

- (1) a cosmetology salon license issued under IC 25-8-7;
- (2) an electrology salon license issued under IC 25-8-7.2;
- (3) an esthetic salon license issued under IC 25-8-12.6; or
- (4) a manicurist salon license issued under IC 25-8-7.1;

unless the license holder submits an application for reinstatement of the license not later than two (2) years after the date the license expires.

(f) The board may not reinstate a cosmetology school license issued under IC 25-8-5 unless the license holder submits an application for reinstatement of the license not later than six (6) months after the date the license expires.

SECTION 15. IC 25-8-4-27, AS AMENDED BY P.L.194-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. If a person holding a license described in section ~~22(b)~~ **21(e)** of this chapter does not comply with the reinstatement application filing requirements set forth in that section, that person may:

- (1) file an application for a new license to operate:
 - (A) a cosmetology salon;
 - (B) an electrology salon;
 - (C) an esthetic salon;
 - (D) a manicurist salon; or
 - (E) a cosmetology school;

under this article; and

- (2) pay the reinstatement fee set forth in:
 - (A) IC 25-8-13-3; or
 - (B) IC 25-8-13-5(b).

SECTION 16. IC 25-8-5-3, AS AMENDED BY P.L.157-2006, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The application described in section 2 of this chapter must state that:

- (1) as a requirement for graduation, the proposed school will require its students to successfully complete at least the one thousand five hundred (1,500) hours of course work required to be eligible to sit for the licensing examination;
- (2) no more than ~~eight (8)~~ **ten (10)** hours of course work may be taken by a student during one (1) day;
- (3) the course work will instruct the students in all theories and practical application of the students' specific course of study;
- (4) the school will provide one (1) instructor for each twenty (20) students or any fraction of that number;
- (5) the school will be operated under the personal supervision of a licensed cosmetologist instructor;
- (6) the person has obtained any building permit, certificate of occupancy, or other planning approval required under IC 22-15-3 and IC 36-7-4 to operate the school;
- (7) the school, if located in the same building as a residence, will:
 - (A) be separated from the residence by a substantial floor to ceiling partition; and
 - (B) have a separate entry;
- (8) as a requirement for graduation, the proposed school must:
 - (A) administer; and
 - (B) require the student to pass;

a final practical demonstration examination of the acts permitted by the license; and

- (9) the applicant has paid the fee set forth in IC 25-8-13-3.

SECTION 17. IC 25-8-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The board may license a person to be a ~~cosmetology~~ **beauty culture** instructor.

SECTION 18. IC 25-8-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A person must file a verified application for a ~~cosmetology~~ **beauty culture** instructor license with the board. ~~to obtain that license.~~ The application must be made on a form prescribed by the board.

SECTION 19. IC 25-8-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The application described in section 2 of this chapter must state that the applicant:

- (1) is at least eighteen (18) years of age;
- (2) has graduated from high school or received the equivalent of a high school education;
- (3) holds a cosmetologist, **an electrologist, a manicurist, or an esthetician** license issued under this article;
- ~~(4) has actively practiced cosmetology for at least six (6) months in a cosmetology salon for at least six (6) months in a cosmetology salon and subsequently successfully completed at least six (6) months of instruction in theory and practice of instructor training as a student in a cosmetology school;~~
- (4) has completed the education and experience requirements subject to the rules adopted by the board;**
- (5) has not committed an act for which the applicant could be disciplined under IC 25-8-14;

(6) has received a satisfactory grade (as ~~defined~~ **described** in IC 25-8-4-9) on an examination for instructor license applicants prescribed by the board; and

(7) has paid the fee set forth in IC 25-8-13-4 for the issuance of a license under this chapter.

SECTION 20. IC 25-8-6-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6. A person who obtains a license as a beauty culture instructor may provide instruction in the following:**

(1) **Cosmetology, if the person:**

(A) **holds a cosmetologist license under IC 25-8-9; and**
 (B) **has actively practiced cosmetology for at least six (6) months in a cosmetology salon and subsequently successfully completed at least six (6) months of instruction in theory and practice of instructor training as a student in a cosmetology school.**

(2) **Electrology, if the person holds an electrologist license under IC 25-8-10.**

(3) **Manicuring, if the person holds a manicurist license under IC 25-8-11.**

(4) **Esthetics, if the person holds an esthetician license under IC 25-8-12.5.**

SECTION 21. IC 25-8-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. A person who wishes to obtain a cosmetology salon license must:**

(1) **do one (1) or more of the following:**

(A) Select a site for the salon which, if located in the same building as a residence:

~~(A)~~ (i) is separated from the residence by a substantial floor to ceiling partition; and

~~(B)~~ (ii) has a separate entry.

(B) **Meet the requirements for a mobile salon as established by the board under IC 25-8-3-23(b);**

(2) **if applicable**, obtain any building permit, certificate of occupancy, or other approval action required under IC 22-15-3 and IC 36-7-4 to operate the cosmetology salon;
 (3) install the furnishings, **if applicable**, and obtain the salon equipment required under rules adopted by the board; and
 (4) submit a verified statement on a form prescribed by the board that the cosmetology salon will be under the personal supervision of a person who has at least six (6) months active experience as a cosmetologist under IC 25-8-9 before the application was submitted under this chapter.

SECTION 22. IC 25-8-7.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. A person who desires to obtain a manicurist salon license must:**

(1) **do one (1) or more of the following:**

~~(A)~~ (A) Select a site for the salon that, if located in the same building as a residence:

~~(A)~~ (i) is separated from the residence by a substantial floor to ceiling partition; and

~~(B)~~ (ii) has a separate entry.

(B) **Meet the requirements for a mobile salon as established by the board under IC 25-8-3-23(b);**

(2) **if applicable**, obtain:

(A) a building permit;

(B) a certificate of occupancy; or

(C) other approval action required under IC 22-15-3 and IC 36-7-4;

to operate the manicurist salon;

(3) install the furnishings, **if applicable**, and obtain the salon equipment required under rules adopted by the board; **and**

(4) submit a verified statement on a form prescribed by the board that the manicurist salon will be under the personal supervision of a person who has at least six (6) months active experience as a:

(A) manicurist under IC 25-8-11; or

(B) cosmetologist under IC 25-8-9;

before the application was submitted under this chapter.

SECTION 23. IC 25-8-7.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. A person who desires to obtain an electrology salon license must:**

(1) **do one (1) or more of the following:**

~~(A)~~ (A) Select a site for the salon that, if located in the same building as a residence:

~~(A)~~ (i) is separated from the residence by a substantial floor to ceiling partition; and

~~(B)~~ (ii) has a separate entry.

(B) **Meet the requirements for a mobile salon as established by the board under IC 25-8-3-23(b);**

(2) **if applicable**, obtain:

(A) a building permit;

(B) a certificate of occupancy; or

(C) other approval action required under IC 22-15-3 and IC 36-7-4;

to operate the manicurist salon;

(3) install the furnishings, **if applicable**, and obtain the salon equipment required under rules adopted by the board; **and**

(4) submit a verified statement on a form prescribed by the board that the electrology salon will be under the personal supervision of a person who has at least six (6) months active experience as an electrologist under IC 25-8-10 before the application was submitted under this chapter.

SECTION 24. IC 25-8-9-7, AS AMENDED BY P.L.157-2006, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7. The board may issue a temporary work permit to practice cosmetology, electrology, esthetics, or manicuring. ~~or the instruction of cosmetology; esthetics; or electrology.~~**

SECTION 25. IC 25-8-9-8, AS AMENDED BY P.L.157-2006, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 8. A person must file a verified application for a temporary:**

(1) cosmetologist work permit;

(2) electrologist work permit;

(3) esthetician work permit; **or**

(4) manicurist work permit;

~~(5) cosmetology instructor work permit;~~

~~(6) esthetics instructor work permit; or~~

~~(7) electrology instructor work permit;~~

with the board on a form prescribed by the board to obtain that work permit.

SECTION 26. IC 25-8-9-9, AS AMENDED BY P.L.157-2006, SECTION 46, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The temporary cosmetologist work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice cosmetology under the supervision of a cosmetologist; and
- (2) has filed an application under:
 - (A) section 2 of this chapter, but has not taken the examination described by section 3(4) of this chapter; or
 - (B) IC 25-8-4-2 and is awaiting a board determination.
- (b) The temporary electrologist work permit application described in section 8 of this chapter must state that the applicant:
 - (1) will practice electrology under the supervision of an electrologist; and
 - (2) has filed an application under:
 - (A) IC 25-8-10-2, but has not taken the examination described in IC 25-8-10-3(3); or
 - (B) IC 25-8-4-2 and is awaiting a board determination.
- (c) The temporary esthetician work permit application described in section 8 of this chapter must state that the applicant:
 - (1) will practice esthetics under the supervision of an esthetician; and
 - (2) has filed an application under:
 - (A) IC 25-8-12.5-3, but has not taken the examination described in IC 25-8-12.5-4(4); or
 - (B) IC 25-8-4-2 and is awaiting a board determination.
- (d) The temporary manicurist work permit application described in section 8 of this chapter must state that the applicant:
 - (1) will practice manicuring under the supervision of a cosmetologist or manicurist; and
 - (2) has filed an application under:
 - (A) IC 25-8-11-3, but has not taken the examination described in IC 25-8-11-4(4); or
 - (B) IC 25-8-4-2 and is awaiting a board determination.
- (e) The temporary cosmetology instructor work permit application described in section 8 of this chapter must state that the applicant:
 - (1) will practice the instruction of cosmetology under the supervision of a cosmetology instructor; and
 - (2) has filed an application under:
 - (A) IC 25-8-6-2, but has not taken the examination described in IC 25-8-6-3(6); or
 - (B) IC 25-8-4-2 and is awaiting a board determination.
- (f) The temporary esthetics instructor work permit application described in section 8 of this chapter must state that the applicant:
 - (1) will practice the instruction of esthetics under the supervision of a cosmetology or an esthetics instructor; and
 - (2) has filed an application under:
 - (A) IC 25-8-6.1-2, but has not taken the examination described in IC 25-8-6.1-3(6); or
 - (B) IC 25-8-4-5 and is awaiting a board determination described in IC 25-8-4-2.
- (g) The temporary electrology instructor work permit application described in section 8 of this chapter must state that the applicant:
 - (1) will practice the instruction of electrology under the supervision of an electrology instructor; and
 - (2) has filed an application under:
 - (A) IC 25-8-6.2-2, but has not taken the examination

described in IC 25-8-6.2-3(6); or

(B) IC 25-8-4-2 and is awaiting a board determination.

SECTION 27. IC 25-8-15.4-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 9.5. The board may, upon application, reinstate a license under this chapter that has expired if the person holding the license:**

- (1) pays renewal fees established by the board under IC 25-1-8-2;
- (2) pays the license reinstatement fee established under IC 25-1-8-6; and
- (3) complies with all requirements established under this article for an applicant for an initial license.

SECTION 28. IC 25-9-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The Indiana professional licensing agency may appoint and remove deputies for use by the commission. The commission shall, when the commission considers it advisable, direct a deputy to be present at any place where sparring or boxing matches ~~semiprofessional elimination contests~~, or exhibitions are to be held under this chapter. The deputies shall ascertain the exact conditions surrounding the match ~~contest~~, or exhibition and make a written report of the conditions in the manner and form prescribed by the commission.

(b) The licensing agency may appoint and remove a secretary for the commission, who shall:

- (1) keep a full and true record of all the commission's proceedings;
- (2) preserve at its general office all the commission's books, documents, and papers;
- (3) prepare for service notices and other papers as may be required by the commission; and
- (4) perform other duties as the licensing agency may prescribe.

The licensing agency may employ only such clerical employees as may be actually necessary and fix their salaries as provided by law.

(c) Each commissioner shall be reimbursed for all actual and necessary traveling expenses and disbursements incurred by them in the discharge of their official duties. All reimbursements for traveling expenses shall be in accordance with travel policies and procedures established by the Indiana department of administration and the budget agency. All expenses incurred in the administration of this chapter shall be paid from the general fund upon appropriation being made for the expenses.

SECTION 29. IC 25-9-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Boxing and sparring matches or exhibitions for prizes or purses may be held in Indiana.

(b) The commission:

- (1) has the sole direction, management, control, and jurisdiction over all boxing and sparring matches ~~semiprofessional elimination contests~~, or exhibitions to be conducted, held, or given in Indiana; and
- (2) may issue licenses for those matches ~~contests~~, or exhibitions.

(c) A boxing or sparring match or an exhibition that is:

- (1) conducted by any school, college, or university within Indiana;

- (2) sanctioned by United States Amateur Boxing, Inc.; or
- (3) without a prize or purse;

shall not be subject to the provisions of this chapter requiring a license. The term "school, college, or university" does not include a school or other institution for the principal purpose of furnishing instruction in boxing, or other athletics.

(d) No boxing or sparring match, or exhibition, except as provided in this article, shall be held or conducted within Indiana except under a license and permit issued by the state boxing commission in accordance with the provisions of this chapter and the rules adopted under this chapter.

SECTION 30. IC 25-9-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The commission may:

- (1) cause to be issued by the Indiana professional licensing agency under the name and seal of the state boxing commission, an annual license in writing for holding boxing or sparring matches ~~semiprofessional elimination contests~~; or exhibitions to any person who is qualified under this chapter; and
- (2) adopt rules to establish the qualifications of the applicants.

(b) In addition to the general license, a person must, before conducting any particular boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition where one (1) or more contests are to be held, obtain a permit from the state boxing commission.

(c) Annual licenses may be revoked by the commission upon hearing and proof that any holder of an annual license has violated this chapter or any rule or order of the commission.

(d) A person who conducts a boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition without first obtaining a license or permit commits a Class B misdemeanor.

SECTION 31. IC 25-9-1-7, AS AMENDED BY P.L.120-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Applications for licenses or permits to conduct or participate in, either directly or indirectly, a boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition shall be:

- (1) made in writing upon forms prescribed by the state boxing commission and shall be addressed to and filed with the Indiana professional licensing agency; and
- (2) verified by the applicant, if an individual, or by some officer of the club, corporation, or association in whose behalf the application is made.

(b) The application for a permit to conduct a particular boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition, shall, among other things, state:

- (1) the time and exact place at which the boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition is proposed to be held;
- (2) the names of the contestants who will participate and their seconds;
- (3) the seating capacity of the buildings or the hall in which such exhibition is proposed to be held;
- (4) the admission charge which is proposed to be made;
- (5) the amount of the compensation percentage of gate receipts which is proposed to be paid to each of the

participants;

(6) the name and address of the person making the application;

(7) the names and addresses of all the officers if the person is a club, a corporation, or an association; and

(8) the record of each contestant from a source approved by the commission.

(c) The commission shall cause to be kept by the licensing agency proper records of the names and addresses of all persons receiving permits and licenses.

SECTION 32. IC 25-9-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. All buildings or structures used, or in any way to be used for the purpose of holding or giving therein boxing or sparring matches ~~semiprofessional elimination contests~~, or exhibitions, shall be properly ventilated and provided with fire exits and fire escapes, if need be, and in all manner shall conform to the laws, ordinances, and regulations pertaining to buildings in the city or town where situated.

SECTION 33. IC 25-9-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) A person shall not:

- (1) permit any person under the age of eighteen (18) years to participate in any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition;
- (2) permit any gambling on the result of, or on any contingency in connection with, any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition conducted by it; or
- (3) participate in or permit any sham or collusive boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition.

(b) A person who violates this section shall, in addition to any criminal penalty, have the person's license or permit revoked and be rendered ineligible for a license or permit at any future time.

SECTION 34. IC 25-9-1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) A person shall not:

- (1) participate in any sham or collusive boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition where the match or exhibition is conducted by a licensed person; or
- (2) being under the age of eighteen (18), participate in any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition.

(b) If a person violating this section is a licensed contestant in this state, the person shall for the first offense, in addition to the fine, suffer a revocation of the person's license or permit, and for a second offense be forever barred from receiving any license or permit or participating in any boxing or sparring match or exhibition in Indiana.

(c) A person who gambles on the result of, or on any contingency in connection with, any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition and is convicted under IC 35-45-5 shall, in addition to any criminal penalty imposed, be penalized as provided in subsection (b).

SECTION 35. IC 25-9-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) No contestant shall be permitted to participate in any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition unless duly registered and licensed with the state boxing commission, which license must be renewed biennially. The license fee and the renewal fee shall not be less than five dollars (\$5) paid at the time of the application for the license or renewal.

(b) Any person who desires to be registered and licensed as a contestant shall file an application in writing with the Indiana professional licensing agency, which application shall, among other things, state:

- (1) the correct name of the applicant;
- (2) the date and place of the applicant's birth;
- (3) the place of the applicant's residence; and
- (4) the applicant's employment, business, or occupation, if any.

The application must be verified under oath of the applicant. Application for renewal license shall be in similar form.

(c) No assumed or ring names shall be used in any application nor in any advertisement of any contest, unless the ring or assumed name has been registered with the commission with the correct name of the applicant.

(d) Each application for license by a contestant or for a license renewal must be accompanied by the certificate of a physician residing within Indiana, who has been licensed as provided in this article, and has practiced in Indiana for not less than five (5) years, certifying that the physician has made a thorough physical examination of the applicant, and that the applicant is physically fit and qualified to participate in boxing or sparring matches or exhibitions.

SECTION 36. IC 25-9-1-20.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20.5. The commission may declare any person who has been convicted of an offense under IC 35-48 ineligible to participate in any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition, or any other activity or event regulated by the commission, notwithstanding that the person may hold a valid license issued by the commission. The period of ineligibility shall be for not less than six (6) months nor more than three (3) years, as determined by the commission. If any such person shall be declared ineligible, the commission shall suspend such convicted person and declare ~~him~~ **the person** ineligible to participate in any boxing or sparring match or exhibition, or any other activity or event regulated by the commission, as soon as it discovers the conviction, but the period of ineligibility shall commence from the actual date of the conviction. During the period of ineligibility, the suspended person may reapply to the commission for a license in the manner provided, and the commission may rescind the prior order of suspension.

SECTION 37. IC 25-9-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. (a) Any license provided for under this chapter may be revoked or suspended by the commission for reasons deemed sufficient under this chapter and under IC 25-1-11.

(b) If a person displays to the public credentials issued by the commission that:

- (1) have been revoked or suspended under this section or under sections 16, 17, and 20.5 of this chapter; or
- (2) have expired;

the commission may act under this section, or the commission may declare the person ineligible for a period to be determined by the commission to participate in any boxing or sparring match ~~semiprofessional elimination contest~~, exhibition, or other activity regulated by the commission.

SECTION 38. IC 25-9-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) Every person, club, corporation, firm, or association which may conduct any match or exhibition under this chapter shall, within twenty-four (24) hours after the termination thereof:

- (1) furnish to the Indiana professional licensing agency by mail, a written report duly verified by that person or, if a club, corporation, firm, or association, by one (1) of its officers, showing the amount of the gross proceeds for the match or exhibition, and other related matters as the commission may prescribe; and
- (2) pay a tax of five percent (5%) of the price of admission collected from the sale of each admission ticket to the match or exhibition, which price shall be a separate and distinct charge and shall not include any tax imposed on and collected on account of the sale of any such ticket. Money derived from such state tax shall be deposited in the state general fund.

(b) Before any license shall be granted for any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition in this state, a bond or other instrument that provides financial recourse must be provided to the state boxing commission. The instrument must be:

- (1) in an amount determined by the commission;
- (2) approved as to form and sufficiency of the sureties thereon by the commission;
- (3) payable to the state of Indiana; and
- (4) conditioned for the payment of the tax imposed, the officials and contestants, and compliance with this chapter and the valid rules of the commission.

SECTION 39. IC 25-9-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. The commission may appoint official representatives, designated as inspectors, each of whom shall receive from the commission a card authorizing ~~him~~ **the official representative** to act as an inspector wherever the commission may designate ~~him~~ **the official representative** to act. One (1) inspector or deputy shall be present at all boxing or sparring matches ~~semiprofessional elimination contests~~, or exhibitions, and see that the rules of the commission and the provisions of this chapter are strictly observed, and shall also be present at the counting up of the gross receipts, and shall immediately mail to the commission the final box-office statement received by him from the person or officers of the club, corporation, or association conducting the match ~~contest~~, or exhibition.

SECTION 40. IC 25-9-1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. All tickets of admission to any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition shall clearly show their purchase price, and no such tickets shall be sold for more than the price printed on the tickets. It shall be unlawful for any person, club,

corporation, or association to admit to such contest a number of people greater than the seating capacity of the place where such contest is held.

SECTION 41. IC 25-21.5-8-7, AS AMENDED BY P.L.194-2005, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The board may adopt rules requiring a land surveyor to obtain continuing education for renewal of a certificate under this chapter.

(b) If the board adopts rules under this section, the rules must do the following:

(1) establish procedures for approving an organization that provides continuing education.

(2) Require an organization that provides an approved continuing education program to supply the following information to the board not more than thirty (30) days after the course is presented:

(A) An alphabetical list of all land surveyors who attended the course;

(B) A certified statement of the hours to be credited to each land surveyor;

(c) If the board adopts rules under this section, the board may adopt rules to do the following:

(1) Allow private organizations to implement the continuing education requirement.

(2) Establish an inactive certificate of registration. If the board adopts rules establishing an inactive certificate, the board must adopt rules that:

(A) do not require the holder of an inactive certificate to obtain continuing education;

(B) prohibit the holder of an inactive certificate from practicing land surveying;

(C) establish requirements for reactivation of an inactive certificate; and

(D) do not require the holder of an inactive certificate to pay the registration and renewal fees required under IC 25-21.5-7-5.

SECTION 42. IC 25-23.6-8-2.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.7. (a) An applicant under section 1 of this chapter must have at least ~~three (3)~~ **two (2)** years of clinical experience, during which at least fifty percent (50%) of the applicant's clients were receiving marriage and family therapy services: ~~Two (2) years of~~ The applicant's clinical experience must include one thousand (1,000) hours of post degree clinical experience and two hundred (200) hours of post degree clinical supervision, of which one hundred (100) hours must be individual supervision, under the supervision of a licensed marriage and family therapist who has at least five (5) years of experience or an equivalent supervisor, as determined by the board.

(b) Within the ~~three (3)~~ **two (2)** years required under subsection (a), the applicant must provide direct individual, group, and family therapy and counseling to the following categories of cases:

(1) Unmarried couples.

(2) Married couples.

(3) Separating or divorcing couples.

(4) Family groups, including children.

(c) A doctoral internship may be applied toward the supervised work experience requirement.

(d) Except as provided in subsection (e), the experience requirement may be met by work performed at or away from the premises of the supervising marriage and family therapist.

(e) The work requirement may not be performed away from the supervising marriage and family therapist's premises if:

(1) the work is the independent private practice of marriage and family therapy; and

(2) the work is not performed at a place that has the supervision of a licensed marriage and family therapist or an equivalent supervisor, as determined by the board.

SECTION 43. IC 25-23.7-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The licensing agency shall provide the board with clerical or other assistants including investigators, necessary for the proper performance of the board's duties.

SECTION 44. IC 25-27.5-4-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) An individual who:

(1) is certified under this chapter; and

(2) does not practice as a physician assistant under a supervising physician;

shall notify the committee in writing that the individual does not have a supervising physician.

(b) If an individual who is certified under this chapter does not practice as a physician assistant under a supervising physician, the board shall place the individual's certificate on inactive status.

(c) An individual may reinstate a certificate that is placed on inactive status under this section if the individual:

(1) submits a written application to the committee requesting that the certificate be placed on active status; and

(2) provides information as required by the committee concerning the physician who will be supervising the individual.

SECTION 45. IC 25-35.6-1-8, AS ADDED BY P.L.212-2005, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The board shall adopt rules under IC 4-22-2 to define the role of support personnel, including the following:

(1) Supervisory responsibilities of the speech-language pathologist.

(2) Ratio of support personnel to speech-language pathologists.

(3) Scope of duties and restrictions of responsibilities for each type of support personnel.

(4) Frequency, duration, and documentation of supervision.

(5) Education and training required to perform services.

(6) Procedures for renewing registration and terminating duties.

(b) A speech-language pathologist must meet the following qualifications to supervise speech-language pathology support personnel:

(1) Hold a current license as a speech-language pathologist issued by the board.

(2) Have at least three (3) years of clinical experience.

(3) Hold a certificate of clinical competence in speech-language pathology or its equivalent issued by a

nationally recognized association for speech-language and hearing.

(c) Speech-language pathology support personnel may provide support services only under the supervision of a speech-language pathologist.

SECTION 46. IC 35-48-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The controlled substances listed in this section are included in schedule I.

(b) Opiates. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted by rule of the board or unless listed in another schedule, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-1-2-phenethyl)-4-piperidinyl-N-phenylacetamide] (9815)

Acetylmethadol (9601)

Allylprodine (9602)

Alphacetylmethadol (9603)

Alphameprodine (9604)

Alphamethadol (9605)

Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine) (9814)

Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl-N-phenylpropanamide] (9832)

~~Alphamethylfentanyl (9614)~~

Benzethidine (9606)

Betacetylmethadol (9607)

Beta-hydroxyfentanyl(N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide) (9830)

Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide (9831)

Betameprodine (9608)

Betamethadol (9609)

Betaprodine (9611)

Clonitazene (9612)

Dextromoramide (9613)

Diampromide (9615)

Diethylthiambutene (9616)

Difenoxin (9168)

Dimenoxadol (9617)

Dimepheptanol (9618)

Dimethylthiambutene (9619)

Dioxaphetyl butyrate (9621)

Dipipanone (9622)

Ethylmethylthiambutene (9623)

Etonitazene (9624)

Etoperidine (9625)

Furethidine (9626)

Hydroxypethidine (9627)

Ketobemidone (9628)

Levomoramide (9629)

Levophenacetylmorphan (9631)

3-Methylfentanyl [N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenyl-propanamide](9813)

3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9833)

MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) ~~(9961)~~ (9661)

Morpheridine (9632)

Noracymethadol (9633)

Norlevorphanol (9634)

Normethadone (9635)

Norpipanone (9636)

Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide (9812)

Phenadoxone (9637)

Phenampromide (9638)

Phenomorphane (9647)

Phenoperidine (9641)

PEPAP [1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine] (9663)

Piritramide (9642)

Proheptazine (9643)

Propidine (9644)

Propiram (9649)

Racemoramide (9645)

Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide (9835)

Tilidine (9750)

Trimeperidine (9646)

(c) Opium derivatives. Any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted by rule of the board or unless listed in another schedule, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

Acetorphine (9319)

Acetyldihydrocodeine (9051)

Benzylmorphine (9052)

Codeine methylbromide (9070)

Codeine-N-Oxide (9053)

Cyprenorphine (9054)

Desomorphine (9055)

Dihydromorphine (9145)

Drotebanol (9335)

Etorphine (except hydrochloride salt) (9056)

Heroin (9200)

Hydromorphanol (9301)

Methyldesorphine (9302)

Methyldihydromorphine (9304)

Morphine methylbromide (9305)

Morphine methylsulfonate (9306)

Morphine-N-Oxide (9307)

Myrophine (9308)

Nicocodeine (9309)

Nicomorphine (9312)

Normorphine (9313)

Pholcodine (9314)

Thebacon (9315)

(d) Hallucinogenic substances. Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic, psychedelic, or psychogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted by rule of the board or unless listed in another schedule, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Alpha-ethyltryptamine (7245). Some trade or other names: etryptamine; Monase; [alpha]-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; [alpha]-ET; and AET.

(2) 4-Bromo-2, 5-Dimethoxyamphetamine (7391). Some trade or other names: 4-Bromo-2, 5-Dimethoxy-a- methylphenethylamine; 4-Bromo-2, 5-DMA.

(3) 4-Bromo-2,5-dimethoxyphenethylamine (7392). Some trade or other names: 2-[4-bromo-2,5- dimethoxyphenyl]-1-aminoethane;

alpha-desmethyl DOB; 2C-B, Nexus.

(2) (4) 2, 5-Dimethoxyamphetamine (7396). Some trade or other names: 2, 5-Dimethoxy-a-methylphenethylamine; 2, 5-DMA.

(5) **2,5-dimethoxy-4-ethylamphetamine (7399). Some trade or other names: DOET.**

(6) **2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7) (7348).**

(3) (7) 4-Methoxyamphetamine (7411). Some trade or other names: 4-Methoxy-a-methylphenethylamine; Paramethoxyamphetamine; PMA.

(4) (8) 5-methoxy-3, 4-methylenedioxy amphetamine (7401). Other Name: MDMA.

(5) (9) 4-methyl-2, 5-dimethoxyamphetamine (7395). Some trade and other names: 4-methyl-2, 5-dimethoxy-a-methylphenethylamine; DOM; and STP.

(6) (10) 3, 4-methylenedioxy amphetamine (7400). Other name: MDA.

(7) (11) 3, 4-methylenedioxymethamphetamine (MDMA) (7405).

(12) **3,4-methylenedioxy-N-ethylamphetamine (7404) (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy) phenethylamine, N-ethyl MDA, MDE, MDEA.**

(13) **N-hydroxy-3,4-methylenedioxyamphetamine (7402) (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy) phenethylamine, and N-hydroxy MDA.**

(8) (14) 3, 4, 5-trimethoxy amphetamine (7390). Other name: TMA.

(15) **Alpha-methyltryptamine (7432) (other name: AMT).**

(9) (16) Bufotenine (7433). Some trade and other names: 3-(B-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminomethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine.

(10) (17) Dimethyltryptamine (7434). Some trade or other names: N, N-Diethyltryptamine; DET.

(11) (18) Diethyltryptamine (7435). Some trade or other names: DMT.

(19) **5-methoxy-N,N-diisopropyltryptamine (7439) (other name: 5-MeO-DIPT).**

(12) (20) Ibogaine (7260). Some trade and other names: 7-Ethyl-6, 6b, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido (1', 2': 1, 2, azepino 4, 5-b) indole; tabernanthe iboga.

(13) (21) Lysergic acid diethylamide (7315). Other name: LSD.

(14) (22) Marijuana (7360).

(15) (23) Mescaline (7381).

(16) (24) Parahexyl (7374). Some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-Tetrahydro-6, 6, 9-trimethyl-6H-dibenzo (b,d) pyran; Snyhexyl.

(17) (25) Peyote (7415), including:

(A) all parts of the plant that are classified botanically as *lophophora williamsii* lemaire, whether growing or not;

(B) the seeds thereof;

(C) any extract from any part of the plant; and

(D) every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or extracts.

(18) (26) N-ethyl-3-piperidyl benzilate (7482). Other name: DMZ.

(19) (27) N-methyl-3-piperidyl benzilate (7484). Other name: LBJ.

(20) (28) Psilocybin (7437).

(21) (29) Psilocyn (7438).

(22) (30) Tetrahydrocannabinols (7370), including synthetic equivalents of the substances contained in the plant, or in the resinous extractives of *Cannabis*, sp. and synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as:

(A) π^1 cis or trans tetrahydrocannabinol, and their optical isomers;

(B) π^6 cis or trans tetrahydrocannabinol, and their optical isomers; and

(C) π^3_4 cis or trans tetrahydrocannabinol, and their optical isomers.

Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered. Other name: THC.

(23) (31) Ethylamine analog of phencyclidine (7455). Some trade or other names: N-Ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl) ethylamine; cyclohexamine; PCE.

(24) (32) Pyrrolidine analog of phencyclidine (7458). Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCP; PHP.

(25) (33) Thiophene analog of phencyclidine (7470). Some trade or other names: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine; TPCP.

(34) **1-[1-(2-thienyl)cyclohexyl]pyrrolidine (7473). Some other names: TCPy.**

(e) Depressants. Unless specifically excepted in a rule adopted by the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Gamma-hydroxybutyric acid (other names include GHB; gamma-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate) (2010)

Mecloqualone (2572)

Methaqualone (2565)

(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

Aminorex (Some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-1585 oxazolamine) (1585)

N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine) (7493)

Cathinone (Some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone) (1235)

Fenethylamine (1503)

([+ / -]) c i s - 4 - m e t h y l a m i n o r e x ((+/-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine) (1590)

N-ethylamphetamine (1475)

Methcathinone (1237) (Some other trade names: 2-Methylamino-1-Phenylpropan-1-one; Ephedrone; Monomethylpropion; UR 1431.

N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine) (1480)

SECTION 47. IC 35-48-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The controlled substances listed in this section are included in schedule II.

(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, naloxone, naltrexone, and their respective salts but including:

- (A) raw opium (9600);
- (B) opium extracts (9610);
- (C) opium fluid extracts (9620);
- (D) powdered opium (9639);
- (E) granulated opium (9640);
- (F) tincture of opium (9630);
- (G) codeine (9050);
- (H) dihydroetorphine (9334);**
- ~~(H)~~ **(I)** ethylmorphine (9190);
- ~~(H)~~ **(J)** etorphine hydrochloride (9059);
- ~~(H)~~ **(K)** hydrocodone (9193);
- ~~(H)~~ **(L)** hydromorphone (9150);
- ~~(H)~~ **(M)** metopon (9260);
- ~~(H)~~ **(N)** morphine (9300);
- ~~(H)~~ **(O)** oxycodone (9143);
- ~~(H)~~ **(P)** oxymorphone (9652); and
- ~~(H)~~ **(Q)** thebaine (9333).

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subdivision (b)(1) of this section, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Cocaine (9041).

(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrene alkaloids of the opium poppy) (9670).

(c) Opiates. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

- Alfentanil (9737)
- Alphaprodine (9010)
- Anileridine (9020)
- Bezitramide (9800)
- Bulk dextropropoxyphene (nondosage forms) (9273)

Carfentanil (9743)

- Dihydrocodeine (9120)
- Diphenoxylate (9170)
- Fentanyl (9801)
- Isomethadone (9226)

Levo-alpha-acetylmethadol [Some other names: levo-alpha-acetylmethadol, levomethadly acetate, LAAM] (9648)

- Levomethorphan (9210)
- Levorphanol (9220)
- Metazocine (9240)
- Methadone (9250)
- Methadone-Intermediate, 4-cyano-2-dimethyl-amino-4, 4-diphenyl butane (9254)
- Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane- carboxylic acid (9802)
- Pethidine (Meperidine) (9230)
- Pethidine-Intermediate- A, 4-cyano-1-methyl-4-phenylpiperidine (9232)
- Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate (9233)
- Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid (9234)
- Phenazodine (9715)
- Piminodine (9730)
- Racemethorphan (9732)
- Racemorphan (9733)
- Remifentanil (9739)**
- Sufentanil (9740)

(d) Stimulants. Any material compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

- (1) Amphetamine, its salts, optical isomers, and salts of its optical isomers (1100).
- (2) Methamphetamine, including its salts, isomers, and salts of its isomers (1105).
- (3) Phenmetrazine and its salts (1631).
- (4) Methylphenidate (1724).

(e) Depressants. Unless specifically excepted by rule of the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- Amobarbital (2125)
- ~~Gamma hydroxybutyrate~~
- Glutethimide (2550)**
- Pentobarbital (2270)
- Phencyclidine (7471)
- Secobarbital (2315)

(f) Immediate precursors. Unless specifically excepted by rule of the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

- (1) Immediate precursor to amphetamine and methamphetamine: Phenylacetone (8501). Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.
- (2) Immediate precursors to phencyclidine (PCP):
 - (A) 1-phenylcyclohexylamine (7460); or
 - (B) 1-piperidinocyclohexanecarbonitrile (PCC) (8603).

(g) Hallucinogenic substances:

~~**Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product (7369):**~~

Nabilone (7379). Another name for nabilone: (+/-)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo [b,d] pyran-9-one]

SECTION 48. IC 35-48-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The controlled substances listed in this section are included in schedule III.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in schedule II which compounds, mixtures, or preparations were listed on April 1, 1986, as excepted compounds under 21 CFR 1308.32, and any other drug of the quantitative composition shown in that list for those drugs or that is the same except that it contains a lesser quantity of controlled substances (1405).
- (2) Benzphetamine (1228).
- (3) Chlorphentermine (1645).
- (4) Clortermine (1647).
- (5) Phendimetrazine (1615).

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

- (1) Any compound, mixture, or preparation containing:
- (A) amobarbital ~~(2125); (2126);~~
 - (B) secobarbital ~~(2315); (2316);~~
 - (C) pentobarbital ~~(2270); (2271);~~ or
 - (D) any of their salts;
- and one (1) or more other active medicinal ingredients which are not listed in any schedule.
- (2) Any suppository dosage form containing:
- (A) amobarbital ~~(2125); (2126);~~
 - (B) secobarbital ~~(2315); (2316);~~
 - (C) pentobarbital ~~(2270); (2271);~~ or
 - (D) any of their salts;
- and approved by the Food and Drug Administration for marketing only as a suppository.
- (3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt thereof (2100).
- (4) Chlorhexadol (2510).
- ~~(5) Glutethimide (2550).~~
- (5) Embutramide (2020).**
- (6) Lysergic acid (7300).
- (7) Lysergic acid amide (7310).
- (8) Methypylon (2575).
- (9) Sulfondiethylmethane (2600).
- (10) Sulfonethylmethane (2605).
- (11) Sulfonmethane (2610).
- (12) A combination product containing tiletamine and zolazepam (Telazol) (7295).
- (13) Ketamine, its salts, isomers, and salts of isomers (7285) [Some other names for ketamine: ([+/-]-2-(2-chlorophenyl)-2-(methylamine)-cyclohexanone].**
- ~~(13)~~ **(14)** Any drug product containing gamma-hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under section 505 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq. (2012).
- (d) Nalorphine (a narcotic drug) (9400).
- (e) Narcotic Drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in the following limited quantities:
- (1) Not more than 1.8 grams of codeine, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium (9803).
 - (2) Not more than 1.8 grams of codeine, per 100 milliliters or not more than 90 milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts (9804).
 - (3) Not more than 300 milligrams of dihydrocodeinone, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium (9805).
 - (4) Not more than 300 milligrams of dihydrocodeinone, per 100 milliliters or not more than 15 milligrams per dosage unit, with one (1) or more active nonnarcotic ingredients in recognized therapeutic amounts (9806).
 - (5) Not more than 1.8 grams of dihydrocodeine, per 100 milliliters or not more than 90 milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts (9807).
 - (6) Not more than 300 milligrams of ethylmorphine, per 100 milliliters or not more than 15 milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts (9808).
 - (7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one

(1) or more active, nonnarcotic ingredients in recognized therapeutic amounts (9809).

(8) Not more than 50 milligrams of morphine, per 100 milliliters or per 100 grams with one (1) or more active nonnarcotic ingredients in recognized therapeutic amounts (9810).

(9) Any material, compound, mixture, or preparation containing Buprenorphine (9064).

(f) Anabolic steroid (as defined in 21 U.S.C. 802(41)(A) and 21 U.S.C. 802(41)(B)).

(g) The board shall except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections (b) through (e) from the application of any part of this article if the compound, mixture, or preparation contains one (1) or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

(h) Any material, compound, mixture, or preparation which contains any quantity of Ketamine.

SECTION 49. IC 35-48-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) The controlled substances listed in this section are included in schedule IV.

(b) Narcotic drugs. Unless specifically excepted in a rule adopted by the board or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in the following limited quantities:

(1) Not more than 1 milligram of difenoxin ~~(9618)~~ and not less than 25 micrograms of atropine sulfate per dosage unit **(9617).**

(2) D e x t r o p r o p o x y p h e n e (a l p h a - (+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane ~~(9273); (9278).~~

(c) Depressants. Unless specifically excepted in a rule adopted by the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Alprazolam (2882).

Barbital (2145).

Bromazepam (2748).

Camazepam (2749).

Carisoprodol.

Chloral betaine (2460).

Chloral hydrate (2465).

Chlordiazepoxide (2744).

Clobazam (2751).

Clonazepam (2737).

Clorazepate (2768).

Clotiazepam (2752).

Cloxacolam (2753).

Delorazepam (2754).

Diazepam (2765).

Dichloralphenazone (2467).

Estazolam (2756).

Ethchlorvynol (2540).

Ethinamate (2545).

Ethyl loflazepate (2758).

Fludiazepam (2759).

Flunitrazepam (2763).

Flurazepam (2767).
 Halazepam (2762).
 Haloxazolam (2771).
 Ketazolam (2772).
 Loprazolam (2773).
 Lorazepam (2885).
 Lormetazepam (2774).
 Mebutamate (2800).
 Medazepam (2836).
 Meprobamate (2820).
 Methohexital (2264).
 Methylphenobarbital (mephobarbital) (2250).
 Midazolam (2884).
 Nimetazepam (2837).
 Nitrazepam (2834).
 Nordiazepam (2838).
 Oxazepam (2835).
 Oxazolam (2839).
 Paraldehyde (2585).
 Petrichloral (2591).
 Phenobarbital (2285).
 Pinazepam (2883).
 Prazepam (2764).
 Quazepam (2881).
 Temazepam (2925).
 Tetrazepam (2886).
 Triazolam (2887).
Zaleplon (2781).
 Zolpidem (Ambien) (2783).
Zopiclone (2784).

(d) Fenfluramine. Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible.

(1) Fenfluramine (1670).

(e) Stimulants. Unless specifically excepted in a rule adopted by the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Cathine ((+)-norpseudoephedrine) (1230).

~~(1)~~ (2) Diethylpropion ~~(1608)~~ (1610).

(3) Fencamfamin (1760).

(4) Fenproporex (1575).

~~(2)~~ (5) Mazindol (1605).

(6) Mefenorex (1580).

(7) Modafinil (1680).

~~(3)~~ (8) Phentermine (1640).

~~(4)~~ (9) Pemoline (including organometallic complexes and chelates thereof) (1530).

~~(5)~~ (10) Pipradrol (1750).

(11) Sibutramine (1675).

~~(6)~~ (12) SPA ((-)-1-dimethylamino-1,2-diphenylethane (1635).

(f) Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances including its salts:

(1) Pentazocine (9709).

(2) Butorphanol (including its optical isomers) (9720).

(g) The board may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection (b), (c), (d), (e), or (f) from the application of any part of this article if the compound, mixture, or preparation contains one (1) or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

SECTION 50. IC 35-48-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) The controlled substances listed in this section are included in schedule V.

(b) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in the following quantities, which shall include one (1) or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.

(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.

(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

(6) Not more than 0.5 milligrams of difenoxin (9168), and not less than 25 micrograms of atropine sulfate per dosage unit.

~~(c) Buprenorphine (9064).~~

(c) Stimulants. Unless specifically exempted, excluded, or listed in another schedule, any material, compound mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Pyrovalerone (1485).

(d) Depressants. Unless specifically exempted, excluded, or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including salts:

(1) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid] (2782).

SECTION 51. IC 35-48-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. ~~Denial, Revocation, and Suspension of Registration.~~ (a) An application for registration or re-registration submitted pursuant to and a registration issued under section 3 of this chapter to manufacture,

distribute, or dispense a controlled substance may be denied, suspended, or revoked by the board upon a finding by the advisory committee that the applicant or registrant:

- (1) has furnished false or fraudulent material information in any application filed under this article;
- (2) has violated any state or federal law relating to any controlled substance;
- (3) has had his federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances; or
- (4) has failed to maintain reasonable controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels.

(b) The board may limit revocation or suspension of a registration or the denial of an application for registration or re-registration to the particular controlled substance with respect to which grounds for revocation, suspension, or denial exist.

(c) If the board suspends or revokes a registration or denies an application for re-registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation or denial order may be placed under seal. The board may require the removal of such substances from the premises. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation or denial order becoming final, all controlled substances may be forfeited to the state.

(d) The board shall promptly notify the drug enforcement administration of all orders suspending or revoking registration, all orders denying any application for registration or re-registration, and all forfeitures of controlled substances.

(e) If the Drug Enforcement Administration terminates, denies, suspends, or revokes a federal registration for the manufacture, distribution, or dispensing of controlled substances, a registration issued by the board under this chapter is automatically suspended.

(f) The board may reinstate a registration that has been suspended under subsection (e), after a hearing, if the board is satisfied that the applicant is able to manufacture, distribute, or dispense controlled substances with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under IC 25-1-9-9 or this article.

SECTION 52. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2007]: IC 25-8-4-22; IC 25-8-4-23; IC 25-8-4-24; IC 25-8-4-25; IC 25-8-4-26; IC 25-8-6.1; IC 25-8-6.2; IC 25-8-16.

SECTION 53. [EFFECTIVE JULY 1, 2007] **(a) The definitions in IC 25-35.6-1-2 apply throughout this SECTION.**

(b) Notwithstanding IC 25-35.6, as amended by this act, concerning issuance of a license, the Indiana professional licensing agency shall issue a license in speech-language pathology as follows:

- (1) To each individual who applies for licensure and meets all the following qualifications:**

- (A) Holds a license in speech and hearing therapy issued by the division of professional standards**

established within the department of education by IC 20-28-2-1.5 (referred to as "the division of professional standards" in this SECTION).

(B) Has a master's degree in speech-language pathology or a related discipline.

(C) Has been employed as a speech-language pathologist for at least nine (9) months in the last five (5) years.

(2) To each individual who applies for licensure and meets all the following qualifications:

(A) Holds a life license in speech-language pathology issued by the division of professional standards.

(B) Has:

(i) been employed as a speech-language pathologist for at least nine (9) months in the last five (5) years; or

(ii) taken at least thirty-six (36) hours of continuing education approved by the division of professional standards or the Indiana professional licensing agency after December 31, 2004, and before December 31, 2010.

(c) This SECTION expires July 1, 2010.

(Reference is to SB 335 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Health and Provider Services.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 338, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-3.5-1.1-9, AS AMENDED BY P.L.207-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) Revenue derived from the imposition of the county adjusted gross income tax shall, in the manner prescribed by this section, be distributed to the county that imposed it. The amount to be distributed to a county during an ensuing calendar year equals the amount of county adjusted gross income tax revenue that the department, after reviewing the recommendation of the budget agency, determines has been:

- (1) received from that county for a taxable year ending before the calendar year in which the determination is made; and
 - (2) reported on an annual return or amended return processed by the department in the state fiscal year ending before July 1 of the calendar year in which the determination is made;
- as adjusted (as determined after review of the recommendation of the budget agency) for refunds of county adjusted gross income tax made in the state fiscal year.

(b) Before August 2 of each calendar year, the department, after reviewing the recommendation of the budget agency, shall certify to the county auditor of each adopting county the amount

determined under subsection (a) plus the amount of interest in the county's account that has accrued and has not been included in a certification made in a preceding year. The amount certified is the county's "certified distribution" for the immediately succeeding calendar year. The amount certified shall be adjusted under subsections (c), (d), (e), (f), ~~(g)~~ and ~~(g)~~: **(h)**. The department shall provide with the certification an informative summary of the calculations used to determine the certified distribution.

(c) The department shall certify an amount less than the amount determined under subsection (b) if the department, after reviewing the recommendation of the budget agency, determines that the reduced distribution is necessary to offset overpayments made in a calendar year before the calendar year of the distribution. The department, after reviewing the recommendation of the budget agency, may reduce the amount of the certified distribution over several calendar years so that any overpayments are offset over several years rather than in one (1) lump sum.

(d) The department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of a county to correct for any clerical or mathematical errors made in any previous certification under this section. The department, after reviewing the recommendation of the budget agency, may reduce the amount of the certified distribution over several calendar years so that any adjustment under this subsection is offset over several years rather than in one (1) lump sum.

(e) The department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of a county to include an amount withheld by an employer but not included on an annual income tax return or an amended return.

~~(e)~~ **(f)** The department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of a county to provide the county with the distribution required under section 10(b) of this chapter.

~~(f)~~ **(g)** This subsection applies to a county that:

- (1) initially imposes the county adjusted gross income tax; or
- (2) increases the county adjusted income tax rate;

under this chapter in the same calendar year in which the department makes a certification under this section. The department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of a county to provide for a distribution in the immediately following calendar year and in each calendar year thereafter. The department shall provide for a full transition to certification of distributions as provided in subsection (a)(1) through (a)(2) in the manner provided in subsection (c).

~~(g)~~ **(h)** The department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of a county to provide the county with the distribution required under section 3.3 of this chapter beginning not later than the tenth month after the month in which additional revenue from the tax authorized under section 3.3 of this chapter is initially collected.

SECTION 2. IC 6-3.5-6-17, AS AMENDED BY P.L.207-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) Revenue derived from the imposition of the county option income tax shall, in the manner prescribed by this section, be distributed to the county that imposed it. The amount that is to be distributed to a county during an ensuing

calendar year equals the amount of county option income tax revenue that the department, after reviewing the recommendation of the budget agency, determines has been:

(1) received from that county for a taxable year ending in a calendar year preceding the calendar year in which the determination is made; and

(2) reported on an annual return or amended return processed by the department in the state fiscal year ending before July 1 of the calendar year in which the determination is made;

as adjusted (as determined after review of the recommendation of the budget agency) for refunds of county option income tax made in the state fiscal year.

(b) Before August 2 of each calendar year, the department, after reviewing the recommendation of the budget agency, shall certify to the county auditor of each adopting county the amount determined under subsection (a) plus the amount of interest in the county's account that has accrued and has not been included in a certification made in a preceding year. The amount certified is the county's "certified distribution" for the immediately succeeding calendar year. The amount certified shall be adjusted, as necessary, under subsections (c), (d), ~~(e)~~ and ~~(e)~~: **(f)**. The department shall provide with the certification an informative summary of the calculations used to determine the certified distribution.

(c) The department shall certify an amount less than the amount determined under subsection (b) if the department, after reviewing the recommendation of the budget agency, determines that the reduced distribution is necessary to offset overpayments made in a calendar year before the calendar year of the distribution. The department, after reviewing the recommendation of the budget agency, may reduce the amount of the certified distribution over several calendar years so that any overpayments are offset over several years rather than in one (1) lump sum.

(d) The department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of a county to include an amount withheld by an employer but not included on an annual income tax return or an amended return.

~~(d)~~ **(e)** The department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of a county to correct for any clerical or mathematical errors made in any previous certification under this section. The department, after reviewing the recommendation of the budget agency, may reduce the amount of the certified distribution over several calendar years so that any adjustment under this subsection is offset over several years rather than in one (1) lump sum.

~~(e)~~ **(f)** This subsection applies to a county that:

- (1) initially imposed the county option income tax; or
- (2) increases the county option income tax rate;

under this chapter in the same calendar year in which the department makes a certification under this section. The department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of a county to provide for a distribution in the immediately following calendar year and in each calendar year thereafter. The department shall provide for a full transition to certification of distributions as provided in subsection (a)(1) through (a)(2) in the manner provided in subsection (c).

~~(f)~~ **(g)** One-twelfth (1/12) of each adopting county's certified distribution for a calendar year shall be distributed from its account established under section 16 of this chapter to the appropriate county treasurer on the first day of each month of that calendar year.

~~(g)~~ **(h)** Upon receipt, each monthly payment of a county's certified distribution shall be allocated among, distributed to, and used by the civil taxing units of the county as provided in sections 18 and 19 of this chapter.

~~(h)~~ **(i)** All distributions from an account established under section 16 of this chapter shall be made by warrants issued by the auditor of state to the treasurer of state ordering the appropriate payments.

SECTION 3. IC 6-3.5-7-11, AS AMENDED BY P.L.207-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Revenue derived from the imposition of the county economic development income tax shall, in the manner prescribed by this section, be distributed to the county that imposed it.

(b) Before August 2 of each calendar year, the department, after reviewing the recommendation of the budget agency, shall certify to the county auditor of each adopting county the sum of the amount of county economic development income tax revenue that the department determines has been:

- (1) received from that county for a taxable year ending before the calendar year in which the determination is made; and
- (2) reported on an annual return or amended return processed by the department in the state fiscal year ending before July 1 of the calendar year in which the determination is made;

as adjusted (as determined after review of the recommendation of the budget agency) for refunds of county economic development income tax made in the state fiscal year plus the amount of interest in the county's account that has been accrued and has not been included in a certification made in a preceding year. The amount certified is the county's certified distribution, which shall be distributed on the dates specified in section 16 of this chapter for the following calendar year. The amount certified shall be adjusted under subsections (c), (d), (e), (f), **(g)** and ~~(g)~~: **(h)**. The department shall provide with the certification an informative summary of the calculations used to determine the certified distribution.

(c) The department shall certify an amount less than the amount determined under subsection (b) if the department, after reviewing the recommendation of the budget agency, determines that the reduced distribution is necessary to offset overpayments made in a calendar year before the calendar year of the distribution. The department, after reviewing the recommendation of the budget agency, may reduce the amount of the certified distribution over several calendar years so that any overpayments are offset over several years rather than in one (1) lump sum.

(d) After reviewing the recommendation of the budget agency, the department shall adjust the certified distribution of a county to correct for any clerical or mathematical errors made in any previous certification under this section. The department, after reviewing the recommendation of the budget agency, may reduce the amount of the certified distribution over several calendar years so that any adjustment under this subsection is offset over several years rather than in one (1) lump sum.

(e) The department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of a county to

provide the county with the distribution required under section 16(b) of this chapter.

(f) The department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of a county to include an amount withheld by an employer but not included on an annual income tax return or an amended return.

~~(f)~~ **(g)** The department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of a county to provide the county with the amount of any tax increase imposed under section 25 or 26 of this chapter to provide additional homestead credits as provided in those provisions.

~~(g)~~ **(h)** This subsection applies to a county that:

- (1) initially imposed the county economic development income tax; or
- (2) increases the county economic development income rate; under this chapter in the same calendar year in which the department makes a certification under this section. The department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of a county to provide for a distribution in the immediately following calendar year and in each calendar year thereafter. The department shall provide for a full transition to certification of distributions as provided in subsection (b)(1) through (b)(2) in the manner provided in subsection (c).

(Reference is to SB 338 as introduced.)
and when so amended that said bill be reassigned to the Senate Committee on Tax and Fiscal Policy.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 394, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 7.1-3-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The holder of a brewer's permit or an out-of-state brewer holding either a primary source of supply permit or an out-of-state brewer's permit may do the following:

- (1) Manufacture beer.
- (2) Place beer in containers or bottles.
- (3) Transport beer.
- (4) Sell and deliver beer to a person holding a beer wholesaler's permit issued under IC 7.1-3-3.
- (5) If the brewer's brewery manufactures not more than twenty thousand (20,000) barrels of beer in a calendar year, do the following:
 - (A) Sell and deliver beer to a person holding a retailer or a dealer permit under this title.
 - (B) Be the proprietor of a restaurant.
 - (C) Hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant established under

clause (B).

(D) Transfer beer directly from the brewery to the restaurant by means of:

- (i) bulk containers; or
- (ii) a continuous flow system.

(E) Install a window between the brewery and an adjacent restaurant that allows the public and the permittee to view both premises.

(F) Install a doorway or other opening between the brewery and an adjacent restaurant that provides the public and the permittee with access to both premises.

(G) Sell the brewery's beer by the glass for consumption on the premises. Brewers permitted to sell beer by the glass under this clause must furnish the minimum food requirements prescribed by the commission.

(H) Sell and deliver beer to a consumer at the permit premises of the brewer or at the residence of the consumer. The delivery to a consumer shall be made only in a quantity at any one (1) time of not more than one-half (1/2) barrel, but the beer may be contained in bottles or other permissible containers.

(6) If the brewer's brewery manufactures more than twenty thousand (20,000) barrels of beer in a calendar year, own a portion of the corporate stock of another brewery that:

- (A) is located in the same county as the brewer's brewery;
- (B) manufactures less than twenty thousand (20,000) barrels of beer in a calendar year; and
- (C) is the proprietor of a restaurant that operates under subdivision (5).

~~(7) Sell and deliver beer to a consumer at the plant of the brewer or at the residence of the consumer. The delivery to a consumer shall be made only in a quantity at any one (1) time of not more than one-half (1/2) barrel, but the beer may be contained in bottles or other permissible containers.~~

~~(8) (7) Provide complimentary samples of beer that are:~~

- (A) produced by the brewer; and
- (B) offered to consumers for consumption on the brewer's premises.

~~(9) (8) Own a portion of the corporate stock of a sports corporation that:~~

- (A) manages a minor league baseball stadium located in the same county as the brewer's brewery; and
- (B) holds a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant located in that stadium.

~~(10) (9) For beer described in IC 7.1-1-2-3(a)(4):~~

- (A) may allow transportation to and consumption of the beer on the licensed premises; and
- (B) may not sell, offer to sell, or allow sale of the beer on the licensed premises.

SECTION 2. IC 7.1-3-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. ~~(a) The All~~ premises to be used as a warehouse by an applicant shall be described in the application for the permit ~~The commission shall not issue a beer wholesaler's permit to an applicant for any other warehouse or premises than that described in the application. The commission shall issue only one (1) beer wholesaler's permit to an applicant, but and need not be located within the corporate~~

limits of an incorporated city or town. A permittee may be permitted to transfer ~~his the permittee's~~ warehouse to another location within the county, upon application to, and approval of, the commission.

~~(b) As used in this subsection, "immediate relative" means the father, the mother, a brother, a sister, a son, or a daughter of a wholesaler permittee. Notwithstanding subsection (a), the commission, upon the death or legally adjudged mental incapacitation of a wholesaler permittee, may allow the transfer of the wholesaler permit only to an immediate relative of the wholesaler permittee who concurrently holds a majority share in a valid wholesaler permit.~~

SECTION 3. IC 7.1-3-3-5, AS AMENDED BY P.L.224-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) The holder of a beer wholesaler's permit may purchase and import from the primary source of supply, possess, and sell at wholesale, beer and flavored malt beverages manufactured within or without this state.

(b) A beer wholesaler permittee may possess, transport, sell, and deliver beer to:

- (1) another beer wholesaler authorized by the brewer to sell the brand purchased;
- (2) ~~a consumer, an employee;~~ or
- (3) a holder of a beer retailer's permit, beer dealer's permit, temporary beer permit, dining car permit, boat permit, airplane permit, or supplemental caterer's permit;

located within this state. The sale, transportation, and delivery of beer shall be made only from inventory that has been located on the wholesaler's premises before the time of invoicing and delivery.

~~(c) Delivery of beer to a consumer shall be made in barrels only with the exception of~~ The beer wholesaler's bona fide regular employees who may purchase beer from the wholesaler in:

- (1) bottles, cans, or any other type of permissible containers in an amount not to exceed forty-eight (48) pints; or
- (2) **one (1) keg;**
at any one (1) time.

(d) The importation, transportation, possession, sale, and delivery of beer shall be subject to the rules of the commission and subject to the same restrictions provided in this title for a person holding a brewer's permit.

(e) The holder of a beer wholesaler's permit may purchase, import, possess, transport, sell, and deliver any commodity listed in IC 7.1-3-10-5, unless prohibited by this title. However, a beer wholesaler may deliver flavored malt beverages only to the holder of one (1) of the following permits:

- (1) A beer wholesaler or wine wholesaler permit, if the wholesaler is authorized by the primary source of supply to sell the brand of flavored malt beverage purchased.
- (2) A wine retailer's permit, wine dealer's permit, temporary wine permit, dining car wine permit, boat permit, airplane permit, or supplemental caterer's permit.

(f) A beer wholesaler may:

- (1) store beer for an out-of-state brewer described in IC 7.1-3-2-9 and deliver the stored beer to another beer wholesaler that the out-of-state brewer authorizes to sell the beer;

- (2) perform all necessary accounting and auditing functions associated with the services described in subdivision (1); and
- (3) receive a fee from an out-of-state brewer for the services described in subdivisions (1) through (2).

SECTION 4. IC 7.1-3-6.5-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7. A person, including a permittee, who knowingly or intentionally:**

- (1) purchases beer contained in a keg from a wholesaler or dealer permittee; and**
- (2) does not return the keg to the wholesaler or dealer permittee described in subdivision (1) within one hundred twenty (120) days after the date the beer was purchased; commits a Class A misdemeanor.**

SECTION 5. IC 7.1-3-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) A liquor retailer may allow customers to sample the following:

- (1) Beer.
 - (2) Wines.
 - (3) Liquors.
 - (4) Liqueurs and cordials (as defined in 27 CFR 5.22(h)).
 - (5) Flavored malt beverages.**
 - (6) Hard cider.**
 - (b) Sampling is permitted only:
 - (1) on the liquor retailer's permit premises; and
 - (2) during the permittee's regular business hours.
 - (c) A liquor retailer may not charge for the samples provided to customers.
 - (d) Sample size of wines may not exceed one (1) ounce.
 - (e) In addition to the other provisions of this section, a liquor retailer who allows customers to sample liquors, liqueurs, or cordials shall comply with all of the following:
 - (1) A liquor retailer may allow a customer to sample only a combined total of two (2) liquor, liqueur, or cordial samples per day.
 - (2) Sample size of liqueurs or cordials may not exceed one-half (1/2) ounce.
 - (3) Sample size of liquors may not exceed four-tenths (0.4) ounce.
 - (f) A sample size of beer, **flavored malt beverages, or hard cider** may not exceed six (6) ounces.
- SECTION 6. IC 7.1-3-10-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) A liquor dealer permittee who is a proprietor of a package liquor store may allow customers to sample the following:
- (1) Beer.
 - (2) Wines.
 - (3) Liquors.
 - (4) Liqueurs and cordials (as defined in 27 CFR 5.22(h)).
 - (5) Flavored malt beverages.**
 - (6) Hard cider.**
 - (b) Sampling is permitted:
 - (1) only on the package liquor store permit premises; and
 - (2) only during the store's regular business hours.
 - (c) No charge may be made for the samples provided to the customers.
 - (d) Sample size of wines may not exceed one (1) ounce.
 - (e) In addition to the other provisions of this section, a proprietor

who allows customers to sample liquors, liqueurs, or cordials shall comply with all of the following:

- (1) A proprietor may allow a customer to sample not more than a combined total of two (2) liquor, liqueur, or cordial samples per day.
 - (2) Sample size of liqueurs or cordials may not exceed one-half (1/2) ounce.
 - (3) Sample size of liquors may not exceed four-tenths (0.4) ounce.
 - (f) Sample size of beer, **flavored malt beverages, or hard cider** may not exceed six (6) ounces.
- SECTION 7. IC 7.1-3-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) The commission may issue a wine wholesaler's permit to sell wine, or wine and brandy, at wholesale to a person who:
- (1) ~~notwithstanding IC 7.1-5-9-4,~~ holds a beer wholesaler's permit;
 - (2) holds a liquor wholesaler's permit; or
 - (3) does not hold an alcoholic beverage wholesaler's permit, but meets the qualifications to hold either a beer or a liquor wholesaler's permit.
- (b) The holder of a wine wholesaler's permit under subsection (a)(1) or (a)(2):

- (1) is considered the same as a person who holds a wine wholesaler's permit under subsection (a)(3) for purposes of conducting activities and operations under the wine wholesaler's permit; and
- (2) may operate the beer or liquor wholesale business independently of the wine wholesale business.

SECTION 8. IC 7.1-3-13-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3.5. (a) A wine wholesaler may sell wine purchased from an estate sale only if the following requirements are met:**

- (1) The primary source of the wine sold at auction:**
 - (A) is authorized to sell wine in Indiana on the date the wine is resold by the wholesaler;**
 - (B) is given notice of the purchase by the wine wholesaler; and**
 - (C) authorizes the wine wholesaler to resell the wine purchased.**
- (2) The seller of wine at auction is a bona fide estate of an Indiana decedent.**
- (3) Each wine bottle has a sticker affixed to it indicating that the wine was purchased from an estate.**
- (b) The notice given to the primary source under subsection (a)(1) must include the following information:**
 - (1) The name of the seller.**
 - (2) The amount of the product purchased and the sale price at auction.**
 - (3) The vintage of the wine purchased.**
- (c) A wholesaler is not liable for product liability or negligence for wine that the wholesaler sells from an estate auction purchase.**

SECTION 9. IC 7.1-3-21-3, AS AMENDED BY P.L.165-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The commission shall not issue:

(1) an alcoholic beverage retailer's ~~or dealer's~~ permit of any type; or

(2) a liquor wholesaler's permit;

to a person who has not been a continuous and bona fide resident of Indiana for five (5) years immediately preceding the date of the application for a permit.

SECTION 10. IC 7.1-3-21-4, AS AMENDED BY P.L.165-2006, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The commission shall not issue:

(1) a liquor wholesaler's permit; or

(2) an alcoholic beverage retailer's ~~or dealer's~~ permit;

of any type to a partnership unless each member of the partnership possesses the same qualifications as those required of an individual applicant for that particular type of permit.

SECTION 11. IC 7.1-3-21-5, AS AMENDED BY P.L.165-2006, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) The commission shall not issue:

(1) an alcoholic beverage retailer's ~~or dealer's~~ permit of any type; or

(2) a liquor wholesaler's permit;

to a corporation unless sixty percent (60%) of the outstanding common stock is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue a liquor wholesaler's permit to a corporation unless at least one (1) of the stockholders shall have been a resident, for at least one (1) year immediately prior to making application for the permit, of the county in which the licensed premises are to be situated.

(c) Each officer and stockholder of a corporation shall possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 12. IC 7.1-3-21-5.2, AS AMENDED BY P.L.165-2006, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.2. (a) The commission shall not issue:

(1) an alcoholic beverage retailer's ~~or dealer's~~ permit of any type; or

(2) a liquor wholesaler's permit;

to a limited partnership unless at least sixty percent (60%) of the partnership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue a liquor wholesaler's permit to a limited partnership unless for at least one (1) year immediately before making application for the permit, at least one (1) of the persons having a partnership interest has been a resident of the county in which the licensed premises are to be situated.

(c) Each general partner and limited partner of a limited partnership must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 13. IC 7.1-3-21-5.4, AS AMENDED BY P.L.165-2006, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.4. (a) The commission shall not issue:

(1) an alcoholic beverage retailer's ~~or dealer's~~ permit of any type; or

(2) a liquor wholesaler's permit;

to a limited liability company unless at least sixty percent (60%) of the membership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue a liquor wholesaler's permit to a limited liability company unless for at least one (1) year immediately before making application for the permit, at least one (1) of the persons having a membership interest has been a resident of the county in which the licensed premises are to be situated.

(c) Each manager and member of a limited liability company must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 14. IC 7.1-3-21-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The provisions of sections 4, 5, 5.2, and 5.4 of this chapter concerning retail ~~and dealer~~ partnerships, corporations, limited partnerships, and limited liability companies shall not apply to the issuance of:

(1) a dining car permit;

(2) a boat permit;

(3) a drug store permit;

(4) a grocery store permit;

(5) a hotel permit;

(6) an airplane permit;

(7) an excursion and adjacent landsite permit;

(8) a horse track permit;

(9) a satellite facility permit; or

(10) a retail permit to an establishment:

(A) that is sufficiently served by adequate law enforcement at its permit location; and

(B) whose annual gross food sales at the permit location:

(i) exceed one hundred thousand dollars (\$100,000); or

(ii) in the case of a new application and as proved by the applicant to the local board and the commission, will exceed two hundred thousand dollars (\$200,000) by the end of the two (2) year period from the date of the issuance of the permit.

(b) The commission shall not issue a permit listed in subsection (a) to a foreign:

(1) corporation;

(2) limited partnership; or

(3) limited liability company;

that is not duly qualified to do business in Indiana.

SECTION 15. IC 7.1-3-22-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.1. (a) Except as provided in subsection (b), the commission may issue only one (1) liquor wholesaler's permit in each county in Indiana.**

(b) The commission may issue additional liquor wholesaler's permits on the basis of one (1) additional permit for each thirty-five thousand (35,000) unit of population, or fraction thereof, in a county whose population exceeds thirty-five thousand (35,000).

(c) This section does not affect a permit issued or the right of renewal or successive renewals of a permit issued in a county in which the limitations under subsection (a) or (b) are exceeded, as of June 30, 2007.

SECTION 16. IC 7.1-3-22-2.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2007]: **Sec. 2.2. (a) Except as provided in subsection (b), the commission may issue only one (1) wine wholesaler's permit in each county in Indiana.**

(b) The commission may issue additional wine wholesaler's permits on the basis of one (1) additional permit for each thirty-five thousand (35,000) unit of population, or fraction thereof, in a county whose population exceeds thirty-five thousand (35,000).

(c) This section does not affect a permit issued or the right of renewal or successive renewals of a permit issued in a county in which the limitations under subsection (a) or (b) are exceeded, as of June 30, 2007.

SECTION 17. IC 7.1-5-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3. (a) This section applies to a brewer that manufactures more than twenty thousand (20,000) barrels of beer in a calendar year.**

(b) It is unlawful for the holder of a brewer's or beer wholesaler's permit to have an interest in a liquor permit of any type under this title.

SECTION 18. IC 7.1-5-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4. Except as provided in IC 7.1-3-3-4, An applicant for a beer wholesaler's permit shall have no interest in the following:**

(1) A permit to manufacture or to sell at retail alcoholic beverages of any kind.

~~**(2) Any other permit to wholesale alcoholic beverages.**~~

~~**(3) (2) Through stock ownership or otherwise, a partnership, limited liability company, or corporation that holds**~~

~~**(A) a permit to manufacture or to sell at retail alcoholic beverages of any kind. or**~~

~~**(B) any other permit to wholesale alcoholic beverages of any kind.**~~

SECTION 19. IC 7.1-5-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1. (a) Except as provided in subsection (d), it is unlawful to sell alcoholic beverages at the following times:**

(1) At a time other than that made lawful by the provisions of IC 7.1-3-1-14.

(2) On Christmas Day and until 7:00 o'clock in the morning, prevailing local time, the following day.

~~**(3) On primary election day; and general election day; from 3:00 o'clock in the morning; prevailing local time; until the voting polls are closed in the evening on these days.**~~

~~**(4) During a special election under IC 3-10-8-9 (within the precincts where the special election is being conducted); from 3:00 o'clock in the morning until the voting polls are closed in the evening on these days.**~~

(b) During the time when the sale of alcoholic beverages is unlawful, no alcoholic beverages shall be sold, dispensed, given away, or otherwise disposed of on the licensed premises, and the licensed premises shall remain closed to the extent that the nature of the business carried on the premises, as at a hotel or restaurant, permits.

(c) It is unlawful to sell alcoholic beverages on New Year's Day for off-premises consumption.

(d) It is lawful for the holder of a valid beer, wine, or liquor wholesaler's permit to sell to the holder of a valid retailer's or

dealer's permit at any time.

SECTION 20. IC 7.1-5-10-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 23. (a) A wholesaler permittee who knowingly or intentionally sells a brand of alcoholic beverages that the wholesaler permittee has not been authorized to sell by the brand's primary source of supply commits a Class D felony.**

(b) A permittee who is injured as a result of a violation of this section has a private right of action to bring a civil action to recover compensatory damages against the wholesaler permittee who violates this section.

SECTION 21. IC 34-30-2-19.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 19.5. IC 7.1-3-13-3.5 (Concerning wine purchased at an estate sale and resold by a wine wholesaler).**

SECTION 22. IC 7.1-3-3-19 IS REPEALED [EFFECTIVE JULY 1, 2007].

(Reference is to SB 394 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Commerce, Public Policy and Interstate Cooperation.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 457, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-3-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 8. (a) Except as provided in subsection (d) or (l), every employer making payments of wages subject to tax under this article, regardless of the place where such payment is made, who is required under the provisions of the Internal Revenue Code to withhold, collect, and pay over income tax on wages paid by such employer to such employee, shall, at the time of payment of such wages, deduct and retain therefrom the amount prescribed in withholding instructions issued by the department. The department shall base its withholding instructions on the adjusted gross income tax rate for persons, on the total rates of any income taxes that the taxpayer is subject to under IC 6-3.5, and on the total amount of exclusions the taxpayer is entitled to under IC 6-3-1-3.5(a)(3) and IC 6-3-1-3.5(a)(4). Such employer making payments of any wages:**

(1) shall be liable to the state of Indiana for the payment of the tax required to be deducted and withheld under this section and shall not be liable to any individual for the amount deducted from the individual's wages and paid over in compliance or intended compliance with this section; and

(2) shall make return of and payment to the department monthly of the amount of tax which under this article and IC 6-3.5 the employer is required to withhold.

(b) An employer shall pay taxes withheld under subsection (a) during a particular month to the department no later than thirty (30) days after the end of that month. However, in place of monthly reporting periods, the department may permit an employer to report and pay the tax for:

- (1) a calendar year reporting period, if the average monthly amount of all tax required to be withheld by the employer in the previous calendar year does not exceed ten dollars (\$10);
- (2) a six (6) month reporting period, if the average monthly amount of all tax required to be withheld by the employer in the previous calendar year does not exceed twenty-five dollars (\$25); or
- (3) a three (3) month reporting period, if the average monthly amount of all tax required to be withheld by the employer in the previous calendar year does not exceed seventy-five dollars (\$75).

An employer using a reporting period (other than a monthly reporting period) must file the employer's return and pay the tax for a reporting period no later than the last day of the month immediately following the close of the reporting period. If an employer files a combined sales and withholding tax report, the reporting period for the combined report is the shortest period required under this section, section 8.1 of this chapter, or IC 6-2.5-6-1.

(c) For purposes of determining whether an employee is subject to taxation under IC 6-3.5, an employer is entitled to rely on the statement of an employee as to the employee's county of residence as represented by the statement of address in forms claiming exemptions for purposes of withholding, regardless of when the employee supplied the forms. Every employee shall notify the employee's employer within five (5) days after any change in the employee's county of residence.

(d) A county that makes payments of wages subject to tax under this article:

- (1) to a precinct election officer (as defined in IC 3-5-2-40.1); and
 - (2) for the performance of the duties of the precinct election officer imposed by IC 3 that are performed on election day;
- is not required, at the time of payment of the wages, to deduct and retain from the wages the amount prescribed in withholding instructions issued by the department.

(e) Every employer shall, at the time of each payment made by the employer to the department, deliver to the department a return upon the form prescribed by the department showing:

- (1) the total amount of wages paid to the employer's employees;
- (2) the amount deducted therefrom in accordance with the provisions of the Internal Revenue Code;
- (3) the amount of adjusted gross income tax deducted therefrom in accordance with the provisions of this section;
- (4) the amount of income tax, if any, imposed under IC 6-3.5 and deducted therefrom in accordance with this section; and
- (5) any other information the department may require.

Every employer making a declaration of withholding as provided in

this section shall furnish the employer's employees annually, but not later than thirty (30) days after the end of the calendar year, a record of the total amount of adjusted gross income tax and the amount of each income tax, if any, imposed under IC 6-3.5, withheld from the employees, on the forms prescribed by the department.

(f) All money deducted and withheld by an employer shall immediately upon such deduction be the money of the state, and every employer who deducts and retains any amount of money under the provisions of this article shall hold the same in trust for the state of Indiana and for payment thereof to the department in the manner and at the times provided in this article. Any employer may be required to post a surety bond in the sum the department determines to be appropriate to protect the state with respect to money withheld pursuant to this section.

(g) The provisions of IC 6-8.1 relating to additions to tax in case of delinquency and penalties shall apply to employers subject to the provisions of this section, and for these purposes any amount deducted or required to be deducted and remitted to the department under this section shall be considered to be the tax of the employer, and with respect to such amount the employer shall be considered the taxpayer. In the case of a corporate or partnership employer, every officer, employee, or member of such employer, who, as such officer, employee, or member is under a duty to deduct and remit such taxes, shall be personally liable for such taxes, penalties, and interest.

(h) Amounts deducted from wages of an employee during any calendar year in accordance with the provisions of this section shall be considered to be in part payment of the tax imposed on such employee for the employee's taxable year which begins in such calendar year, and a return made by the employer under subsection (b) shall be accepted by the department as evidence in favor of the employee of the amount so deducted from the employee's wages. Where the total amount so deducted exceeds the amount of tax on the employee as computed under this article and IC 6-3.5, the department shall, after examining the return or returns filed by the employee in accordance with this article and IC 6-3.5, refund the amount of the excess deduction. However, under rules promulgated by the department, the excess or any part thereof may be applied to any taxes or other claim due from the taxpayer to the state of Indiana or any subdivision thereof. No refund shall be made to an employee who fails to file the employee's return or returns as required under this article and IC 6-3.5 within two (2) years from the due date of the return or returns. In the event that the excess tax deducted is less than one dollar (\$1), no refund shall be made.

(i) This section shall in no way relieve any taxpayer from the taxpayer's obligation of filing a return or returns at the time required under this article and IC 6-3.5, and, should the amount withheld under the provisions of this section be insufficient to pay the total tax of such taxpayer, such unpaid tax shall be paid at the time prescribed by section 5 of this chapter.

(j) Notwithstanding subsection (b), an employer of a domestic service employee that enters into an agreement with the domestic service employee to withhold federal income tax under Section 3402 of the Internal Revenue Code may withhold Indiana income tax on the domestic service employee's wages on the employer's Indiana individual income tax return in the same manner as allowed by Section 3510 of the Internal Revenue Code.

(k) To the extent allowed by Section 1137 of the Social Security Act, an employer of a domestic service employee may report and remit state unemployment insurance contributions on the employee's wages on the employer's Indiana individual income tax return in the same manner as allowed by Section 3510 of the Internal Revenue Code.

(l) The department shall adopt rules under IC 4-22-2 to exempt an employer from the duty to deduct and remit from the wages of an employee adjusted gross income tax withholding that would otherwise be required under this section whenever:

- (1) an employee has at least one (1) qualifying child, as determined under Section 32 of the Internal Revenue Code;
- (2) the employee is eligible for an earned income tax credit under IC 6-3.1-21;
- (3) the employee elects to receive advance payments of the earned income tax credit under IC 6-3.1-21 from money that would otherwise be withheld from the employee's wages for adjusted gross income taxes; and
- (4) the amount that is not deducted and remitted is distributed to the employee, in accordance with the procedures prescribed by the department, as an advance payment of the earned income tax credit for which the employee is eligible under IC 6-3.1-21.

The rules must establish the procedures and reports required to carry out this subsection.

(m) A person who knowingly fails to remit trust fund money as set forth in this section commits a Class D felony.

(n) An employer who is required under subsection (a) to withhold income tax from payments of wages shall verify that an employee who claims exemptions for more than two (2) individuals under IC 6-3-1-3.5(a)(3), IC 6-3-1-3.5(a)(4)(A), IC 6-3-1-3.5(a)(4)(C), and the withholding instructions issued by the department under subsection (a) is entitled to claim exemptions for more than two (2) individuals. Unless an employer knows an employee's representations are false, the requirement of this subsection is satisfied if the employer obtains from the employee a copy of one (1) of the following for each additional individual for whom the employee claims an exemption:

- (1) A birth certificate.
- (2) A Social Security card.
- (3) A marriage license.
- (4) A driver's license or state issued identification card.
- (5) A federal document establishing lawful permanent residence or naturalization.
- (6) A passport.
- (7) A court order establishing paternity.

(o) An employer commits a Class A misdemeanor if the employer knowingly:

- (1) pays wages to an employee who has claimed more than two (2) income tax withholding exemptions;
- (2) either:
 - (A) fails to verify the employee's claimed withholding exemptions as required by subsection (n); or
 - (B) accepts a document described in subsection (n) for verification of the employee's claimed withholding exemptions that is false or fictitious; and
- (3) withholds less income tax from the payment of wages

to the employee than required by the withholding instructions issued by the department.

(p) An employee commits a Class A misdemeanor if the employee knowingly furnishes to an employer a document described in subsection (n) that is false or fictitious for the purpose of claiming more income tax withholding exemptions than the employee is entitled to claim under the withholding instructions issued by the department.

SECTION 2. [EFFECTIVE JANUARY 1, 2008] IC 6-3-4-8, as amended by this act, applies to taxable years beginning after December 31, 2007.

(Reference is to SB 457 as introduced.)
and when so amended that said bill be reassigned to the Senate Committee on Tax and Fiscal Policy.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 473, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 1-2-13 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 13. State Bat

Sec. 1. The bat commonly known as the Indiana Bat (*Myotis Sodalis*) is hereby adopted as the official bat of the State of Indiana.

(Reference is to SB 473 as introduced.)
and when so amended that said bill be reassigned to the Senate Committee on Rules and Legislative Procedure.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 510, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-18.5-1, AS AMENDED BY P.L.154-2006, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in

this chapter:

"Ad valorem property tax levy for an ensuing calendar year" means the total property taxes imposed by a civil taxing unit for current property taxes collectible in that ensuing calendar year.

"Adopting county" means any county in which the county adjusted gross income tax is in effect.

"Civil taxing unit" means any taxing unit except a school corporation.

"Maximum permissible ad valorem property tax levy for the preceding calendar year" means the greater of:

(1) the remainder of:

(A) the civil taxing unit's maximum permissible ad valorem property tax levy for the calendar year immediately preceding the ensuing calendar year, as that levy was determined under section 3 of this chapter; minus

(B) one-half (1/2) of the remainder of:

(i) the civil taxing unit's maximum permissible ad valorem property tax levy referred to in clause (A); minus

(ii) the civil taxing unit's ad valorem property tax levy for the calendar year immediately preceding the ensuing calendar year referred to in subdivision (2); or

(2) the civil taxing unit's ad valorem property tax levy for the calendar year immediately preceding the ensuing calendar year, as that levy was determined by the department of local government finance in fixing the civil taxing unit's budget, levy, and rate for that preceding calendar year under IC 6-1.1-17, and after eliminating the effects of temporary excessive levy appeals and temporary adjustments made to the working maximum levy for the calendar year immediately preceding the ensuing calendar year, as determined by the department of local government finance.

"Redevelopment assessed value quotient" for an ensuing calendar year means the quotient of:

(1) the sum of:

(A) the taxable assessed value that results in the calendar year that immediately precedes the ensuing calendar year from construction of new structures in a civil taxing unit either:

(i) on unimproved real estate; or

(ii) on real estate upon which a prior existing structure is demolished to allow for new construction;

in the geographic area that was subject to the civil taxing unit's ad valorem property tax levy in the calendar year that immediately precedes the ensuing calendar year; plus

(B) the taxable assessed value in the calendar year that immediately precedes the ensuing calendar year of all real property in the civil taxing unit other than the real property referred to in clause (A); divided by

(2) the sum of:

(A) the taxable assessed value of:

(i) the unimproved real estate;

(ii) the prior existing structures; or

(iii) both items (i) and (ii);

referred to in subdivision (1)(A) in the calendar year that precedes by two (2) years the ensuing calendar

year; plus

(B) the taxable assessed value determined under subdivision (1)(B).

"Taxable property" means all tangible property that is subject to the tax imposed by this article and is not exempt from the tax under IC 6-1.1-10 or any other law. For purposes of sections 2 and 3 of this chapter, the term "taxable property" is further defined in section 6 of this chapter.

~~"Unadjusted assessed value" means the assessed value of a civil taxing unit as determined by local assessing officials and the department of local government finance in a particular calendar year before the application of an annual adjustment under IC 6-1.1-4-4.5 for that particular calendar year or any calendar year since the last general reassessment preceding the particular calendar year.~~

SECTION 2. IC 6-1.1-18.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as otherwise provided in this chapter and IC 6-3.5-8-12, a civil taxing unit that is treated as not being located in an adopting county under section 4 of this chapter may not impose an ad valorem property tax levy for an ensuing calendar year that exceeds the amount determined in the last STEP of the following STEPS:

STEP ONE: Add the civil taxing unit's maximum permissible ad valorem property tax levy for the preceding calendar year to the part of the civil taxing unit's certified share, if any, that was used to reduce the civil taxing unit's ad valorem property tax levy under ~~STEP EIGHT~~ NINE of subsection (b) for that preceding calendar year.

STEP TWO: Multiply the amount determined in STEP ONE by the amount determined in the last STEP of section 2(b) of this chapter.

STEP THREE: Determine the lesser of one and fifteen hundredths (1.15) or the quotient (rounded to the nearest ten-thousandth (0.0001)), of the assessed value of all taxable property subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year, divided by the assessed value of all taxable property that is subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year and that is contained within the geographic area that was subject to the civil taxing unit's ad valorem property tax levy in the preceding calendar year.

STEP FOUR: Determine the greater of the amount determined in STEP THREE or one (1).

STEP FIVE: Multiply the amount determined in STEP TWO by the amount determined in STEP FOUR.

STEP SIX: Multiply the amount determined in STEP FIVE by the civil taxing unit's redevelopment assessed value quotient for the ensuing calendar year.

~~STEP SIX; SEVEN:~~ Add the amount determined under STEP TWO to the amount determined under subsection (c).

~~STEP SEVEN; EIGHT:~~ Determine the greater of the amount determined under ~~STEP FIVE~~ SIX or the amount determined under ~~STEP SIX; SEVEN~~.

(b) Except as otherwise provided in this chapter and IC 6-3.5-8-12, a civil taxing unit that is treated as being located in an adopting county under section 4 of this chapter may not impose an ad valorem property tax levy for an ensuing calendar year that exceeds the amount determined in the last STEP of the following STEPS:

STEP ONE: Add the civil taxing unit's maximum permissible ad valorem property tax levy for the preceding calendar year to the part of the civil taxing unit's certified share, if any, used to reduce the civil taxing unit's ad valorem property tax levy under STEP EIGHT of this subsection for that preceding calendar year.

STEP TWO: Multiply the amount determined in STEP ONE by the amount determined in the last STEP of section 2(b) of this chapter.

STEP THREE: Determine the lesser of one and fifteen hundredths (1.15) or the quotient of the assessed value of all taxable property subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year divided by the assessed value of all taxable property that is subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year and that is contained within the geographic area that was subject to the civil taxing unit's ad valorem property tax levy in the preceding calendar year.

STEP FOUR: Determine the greater of the amount determined in STEP THREE or one (1).

STEP FIVE: Multiply the amount determined in STEP TWO by the amount determined in STEP FOUR.

STEP SIX: Multiply the amount determined in STEP FIVE by the civil taxing unit's redevelopment assessed value quotient for the ensuing calendar year.

~~STEP SIX: SEVEN:~~ Add the amount determined under STEP TWO to the amount determined under subsection (c).

~~STEP SEVEN: EIGHT:~~ Determine the greater of the amount determined under STEP ~~FIVE SIX~~ or the amount determined under STEP ~~SIX: SEVEN~~.

~~STEP EIGHT: NINE:~~ Subtract the amount determined under STEP FIVE of subsection (e) from the amount determined under STEP ~~SEVEN EIGHT~~ of this subsection.

(c) If a civil taxing unit in the immediately preceding calendar year provided an area outside its boundaries with services on a contractual basis and in the ensuing calendar year that area has been annexed by the civil taxing unit, the amount to be entered under STEP ~~SIX SEVEN~~ of subsection (a) or STEP ~~SIX SEVEN~~ of subsection (b), as the case may be, equals the amount paid by the annexed area during the immediately preceding calendar year for services that the civil taxing unit must provide to that area during the ensuing calendar year as a result of the annexation. In all other cases, the amount to be entered under STEP ~~SIX SEVEN~~ of subsection (a) or STEP ~~SIX SEVEN~~ of subsection (b), as the case may be, equals zero (0).

(d) This subsection applies only to civil taxing units located in a county having a county adjusted gross income tax rate for resident county taxpayers (as defined in IC 6-3.5-1.1-1) of one percent (1%) as of January 1 of the ensuing calendar year. For each civil taxing unit, the amount to be added to the amount determined in subsection (e), STEP FOUR, is determined using the following formula:

STEP ONE: Multiply the civil taxing unit's maximum permissible ad valorem property tax levy for the preceding calendar year by two percent (2%).

STEP TWO: For the determination year, the amount to be used as the STEP TWO amount is the amount determined in subsection (f) for the civil taxing unit. For each year following

the determination year the STEP TWO amount is the lesser of:

- (A) the amount determined in STEP ONE; or
- (B) the amount determined in subsection (f) for the civil taxing unit.

STEP THREE: Determine the greater of:

- (A) zero (0); or
- (B) the civil taxing unit's certified share for the ensuing calendar year minus the greater of:
 - (i) the civil taxing unit's certified share for the calendar year that immediately precedes the ensuing calendar year; or
 - (ii) the civil taxing unit's base year certified share.

STEP FOUR: Determine the greater of:

- (A) zero (0); or
- (B) the amount determined in STEP TWO minus the amount determined in STEP THREE.

Add the amount determined in STEP FOUR to the amount determined in subsection (e), STEP THREE, as provided in subsection (e), STEP FOUR.

(e) For each civil taxing unit, the amount to be subtracted under subsection (b), STEP ~~EIGHT~~, NINE, is determined using the following formula:

STEP ONE: Determine the lesser of the civil taxing unit's base year certified share for the ensuing calendar year, as determined under section 5 of this chapter, or the civil taxing unit's certified share for the ensuing calendar year.

STEP TWO: Determine the greater of:

- (A) zero (0); or
- (B) the remainder of:
 - (i) the amount of federal revenue sharing money that was received by the civil taxing unit in 1985; minus
 - (ii) the amount of federal revenue sharing money that will be received by the civil taxing unit in the year preceding the ensuing calendar year.

STEP THREE: Determine the lesser of:

- (A) the amount determined in STEP TWO; or
- (B) the amount determined in subsection (f) for the civil taxing unit.

STEP FOUR: Add the amount determined in subsection (d), STEP FOUR, to the amount determined in STEP THREE.

STEP FIVE: Subtract the amount determined in STEP FOUR from the amount determined in STEP ONE.

(f) As used in this section, a taxing unit's "determination year" means the latest of:

- (1) calendar year 1987, if the taxing unit is treated as being located in an adopting county for calendar year 1987 under section 4 of this chapter;
- (2) the taxing unit's base year, as defined in section 5 of this chapter, if the taxing unit is treated as not being located in an adopting county for calendar year 1987 under section 4 of this chapter; or
- (3) the ensuing calendar year following the first year that the taxing unit is located in a county that has a county adjusted gross income tax rate of more than one-half percent (0.5%) on July 1 of that year.

The amount to be used in subsections (d) and (e) for a taxing unit

depends upon the taxing unit's certified share for the ensuing calendar year, the taxing unit's determination year, and the county adjusted gross income tax rate for resident county taxpayers (as defined in IC 6-3.5-1.1-1) that is in effect in the taxing unit's county on July 1 of the year preceding the ensuing calendar year. For the determination year and the ensuing calendar years following the taxing unit's determination year, the amount is the taxing unit's certified share for the ensuing calendar year multiplied by the appropriate factor prescribed in the following table:

COUNTIES WITH A TAX RATE OF 1/2%

Year	Subsection (e) Factor
For the determination year and each ensuing calendar year following the determination year	0

COUNTIES WITH A TAX RATE OF 3/4%

Year	Subsection (e) Factor
For the determination year and each ensuing calendar year following the determination year	1/2

COUNTIES WITH A TAX RATE OF 1.0%

Year	Subsection (d) Factor	Subsection (e) Factor
For the determination year	1/6	1/3
For the ensuing calendar year following the determination year	1/4	1/3
For the ensuing calendar year following the determination year by two (2) years	1/3	1/3

SECTION 3. IC 6-1.1-21-2, AS AMENDED BY P.L.67-2006, SECTION 4, AND AS AMENDED BY P.L.2-2006, SECTION 57, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter:

(a) "Taxpayer" means a person who is liable for taxes on property assessed under this article.

(b) "Taxes" means property taxes payable in respect to property assessed under this article. The term does not include special assessments, penalties, or interest, but does include any special charges which a county treasurer combines with all other taxes in the preparation and delivery of the tax statements required under IC 6-1.1-22-8(a).

(c) "Department" means the department of state revenue.

(d) "Auditor's abstract" means the annual report prepared by each county auditor which under IC 6-1.1-22-5 is to be filed ~~on or~~ *before March 1* of each year with the auditor of state.

(e) "Mobile home assessments" means the assessments of mobile homes made under IC 6-1.1-7.

(f) "Postabstract adjustments" means adjustments in taxes made subsequent to the filing of an auditor's abstract which change assessments therein or add assessments of omitted property affecting taxes for such assessment year.

(g) "Total county tax levy" means the sum of:

(1) the remainder of:

(A) the aggregate levy of all taxes for all taxing units in a county which are to be paid in the county for a stated assessment year as reflected by the auditor's abstract for the assessment year, adjusted, however, for any

postabstract adjustments which change the amount of the aggregate levy; minus

(B) the sum of any increases in property tax levies of taxing units of the county that result from appeals described in:

(i) IC 6-1.1-18.5-13(4) and IC 6-1.1-18.5-13(5) filed after December 31, 1982; plus

(ii) the sum of any increases in property tax levies of taxing units of the county that result from any other appeals described in IC 6-1.1-18.5-13 filed after December 31, 1983; plus

(iii) IC 6-1.1-18.6-3 (children in need of services and delinquent children who are wards of the county) (*before its repeal*); minus

(C) the total amount of property taxes imposed for the stated assessment year by the taxing units of the county under the authority of IC 12-1-11.5 (repealed), IC 12-2-4.5 (repealed), IC 12-19-5, or IC 12-20-24; minus

(D) the total amount of property taxes to be paid during the stated assessment year that will be used to pay for interest or principal due on debt that:

(i) is entered into after December 31, 1983;

(ii) is not debt that is issued under IC 5-1-5 to refund debt incurred before January 1, 1984; and

(iii) does not constitute debt entered into for the purpose of building, repairing, or altering school buildings for which the requirements of IC 20-5-52 (repealed) were satisfied prior to January 1, 1984; minus

(E) the amount of property taxes imposed in the county for the stated assessment year under the authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(F) the remainder of:

(i) the total property taxes imposed in the county for the stated assessment year under authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was not initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(ii) the total property taxes imposed in the county for the 1984 stated assessment year under the authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was not initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(G) the amount of property taxes imposed in the county for the stated assessment year under:

(i) IC 21-2-15 (*before its repeal*) or IC 20-46-6 for a capital projects fund; plus

(ii) IC 6-1.1-19-10 (*before its repeal*) or IC 20-46-3 for a racial balance fund; plus

- (iii) IC 36-12-12 for a library capital projects fund; plus
 - (iv) IC 36-10-13-7 for an art association fund; plus
 - (v) IC 21-2-17 (*before its repeal*) or IC 20-46-2 for a special education preschool fund; plus
 - (vi) IC 21-2-11.6 (*before its repeal*) or IC 20-46-1 for a referendum tax levy fund; plus
 - (vii) an appeal filed under IC 6-1.1-19-5.1 (*before its repeal*) or IC 20-45-6-8 for an increase in a school corporation's maximum permissible ~~general fund~~ tuition support levy for certain transfer tuition costs; plus
 - (viii) an appeal filed under IC 6-1.1-19-5.4 (*before its repeal*) or IC 20-46-4-10 for an increase in a school corporation's maximum permissible ~~general~~ transportation fund levy for transportation operating costs; minus
- (H) the amount of property taxes imposed by a school corporation that is attributable to the passage, after 1983, of a referendum for an excessive tax levy under ~~IC 6-1.1-19~~ IC 6-1.1-19-4.5 (*before its repeal*), including any increases in these property taxes that are attributable to the adjustment set forth in IC 6-1.1-19-1.5 (*before its repeal*), IC 20-45-3, or any other law; minus
- (I) for each township in the county, the lesser of:
- (i) the sum of the amount determined in IC 6-1.1-18.5-19(a) STEP THREE (*as effective January 1, 1990*) or IC 6-1.1-18.5-19(b) STEP THREE (*as effective January 1, 1990*), whichever is applicable, plus the part, if any, of the township's ad valorem property tax levy for calendar year 1989 that represents increases in that levy that resulted from an appeal described in IC 6-1.1-18.5-13(4) (*as effective before January 1, 1989*), filed after December 31, 1982; or
 - (ii) the amount of property taxes imposed in the township for the stated assessment year under the authority of IC 36-8-13-4; minus
- (J) for each participating unit in a fire protection territory established under IC 36-8-19-1, the amount of property taxes levied by each participating unit under IC 36-8-19-8 and IC 36-8-19-8.5 less the maximum levy limit for each of the participating units that would have otherwise been available for fire protection services under IC 6-1.1-18.5-3 and IC 6-1.1-18.5-19 for that same year; minus
- (K) for each county, the sum of:
- (i) the amount of property taxes imposed in the county for the repayment of loans under IC 12-19-5-6 (repealed) that is included in the amount determined under IC 12-19-7-4(a) STEP SEVEN (*as effective January 1, 1995*) for property taxes payable in 1995, or for property taxes payable in each year after 1995, the amount determined under IC 12-19-7-4(b) (*as effective before March 16, 2004*) and IC 12-19-7-4 (*as effective after March 15, 2004*); and
 - (ii) the amount of property taxes imposed in the county attributable to appeals granted under IC 6-1.1-18.6-3 (*before its repeal*) that is included in the amount determined under IC 12-19-7-4(a) STEP SEVEN (*as effective January 1, 1995*) for property taxes payable in 1995, or the amount determined under IC 12-19-7-4(b) (*as effective before March 16, 2004*) and IC 12-19-7-4 (*as effective after March 15, 2004*) for property taxes payable in each year after 1995; plus
- (2) all taxes to be paid in the county in respect to mobile home assessments currently assessed for the year in which the taxes stated in the abstract are to be paid; plus
- (3) the amounts, if any, of county adjusted gross income taxes that were applied by the taxing units in the county as property tax replacement credits to reduce the individual levies of the taxing units for the assessment year, as provided in IC 6-3.5-1.1; plus
- (4) the amounts, if any, by which the maximum permissible ad valorem property tax levies of the taxing units of the county were reduced under IC 6-1.1-18.5-3(b) STEP ~~EIGHT~~ NINE for the stated assessment year; plus
- (5) the difference between:
- (A) the amount determined in IC 6-1.1-18.5-3(e) STEP FOUR; minus
 - (B) the amount the civil taxing units' levies were increased because of the reduction in the civil taxing units' base year certified shares under IC 6-1.1-18.5-3(e).
- (h) "December settlement sheet" means the certificate of settlement filed by the county auditor with the auditor of state, as required under IC 6-1.1-27-3.
- (i) "Tax duplicate" means the roll of property taxes ~~which~~ that each county auditor is required to prepare ~~on or before March 1 of~~ each year under IC 6-1.1-22-3.
- (j) "Eligible property tax replacement amount" is, except as otherwise provided by law, equal to the sum of the following:
- (1) Sixty percent (60%) of the total county tax levy imposed by each school corporation in a county for its general fund for a stated assessment year.
 - (2) Twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on real property for a stated assessment year.
 - (3) Twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on tangible personal property, excluding business personal property, for an assessment year.
- (k) "Business personal property" means tangible personal property (other than real property) that is being:
- (1) held for sale in the ordinary course of a trade or business; or
 - (2) held, used, or consumed in connection with the production of income.
- (l) "Taxpayer's property tax replacement credit amount" means, except as otherwise provided by law, the sum of the following:
- (1) Sixty percent (60%) of a taxpayer's tax liability in a calendar year for taxes imposed by a school corporation for its general fund for a stated assessment year.
 - (2) Twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school

corporation that is part of the total county tax levy) on real property.

(3) Twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) on tangible personal property other than business personal property.

(m) "Tax liability" means tax liability as described in section 5 of this chapter.

(n) "General school operating levy" means the ad valorem property tax levy of a school corporation in a county for the school corporation's general fund.

(o) "Board" refers to the property tax replacement fund board established under section 10 of this chapter.

SECTION 4. [EFFECTIVE UPON PASSAGE] IC 6-1.1-18.5-1, IC 6-1.1-18.5-3, and IC 6-1.1-21-2, all as amended by this act, apply only to property taxes first due and payable after 2007.

SECTION 5. An emergency is declared for this act.

(Reference is to SB 510 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Tax and Fiscal Policy.

LONG, Chair

Report adopted.

SENATE BILLS ON SECOND READING

Senate Bill 192

Senator Lubbers called up Senate Bill 192 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 192-1)

Madam President: I move that Senate Bill 192 be amended to read as follows:

Page 1, line 4, delete "if, as a result of an inspection of a school building under" and insert "if:".

Page 1, delete lines 5 through 11, begin a new line block indented and insert:

"(1) as a result of an inspection of a school building under IC 22-14-2-11 that is not an inspection to determine compliance with a legal standard for accreditation, the division of fire and building safety of the department of homeland security determines that there is a violation of a fire safety law at the school building;

(2) the fire safety law that the division determines has been violated at the school building incorporates a standard that:

(A) was not a fire safety law at the time of the construction or renovation of the school building and is being applied retroactively to the building by an employee of the division of fire and building safety; or

(B) previously was not applicable to the building; and

(3) the violation is not a condition that creates an immediate safety hazard and is corrected under daily maintenance and supervision;

the school corporation shall abate the violation before the earlier of one (1) year after the violation determination or the start of the school corporation's next budget year following the violation determination."

(Reference is to SB 192 as printed January 19, 2007.)

LUBBERS

Motion prevailed. The bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 3

Senator Drozda called up Engrossed Senate Bill 3 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 16: yeas 43, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Lawson.

Engrossed Senate Bill 17

Senator Steele called up Engrossed Senate Bill 17 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 17: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Kuzman and Koch.

Senator Kenley, who had been excused, was present.

Engrossed Senate Bill 43

Senator Bray called up Engrossed Senate Bill 43 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 18: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Lawson and Foley.

Engrossed Senate Bill 48

Senator Zakas called up Engrossed Senate Bill 48 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 19: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Kuzman and Foley.

Engrossed Senate Bill 49

Senator Zakas called up Engrossed Senate Bill 49 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 20: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Kuzman and Foley.

Engrossed Senate Bill 101

Senator Gard called up Engrossed Senate Bill 101 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning the environment.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 21: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Dvorak and Wolkins.

Engrossed Senate Bill 132

Senator Kenley called up Engrossed Senate Bill 132 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 22: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House

sponsors: Representatives Kuzman and Espich.

Engrossed Senate Bill 142

Senator Steele called up Engrossed Senate Bill 142 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 23: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Goodin and Foley.

Engrossed Senate Bill 143

Senator Steele called up Engrossed Senate Bill 143 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 24: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Goodin and Koch.

Engrossed Senate Bill 157

Senator Gard called up Engrossed Senate Bill 157 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 25: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Austin.

Engrossed Senate Bill 180

Senator Weatherwax called up Engrossed Senate Bill 180 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 26: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act?

There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Austin and Duncan.

SENATE MOTION

Madam President: I move that Senator Lubbers be added as second author of Senate Bill 330.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Senate Bill 235.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 267.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Riegsecker be added as second author of Senate Bill 190.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 72 and that Senator Walker be substituted therefor.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Senate Bill 72.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 78 and that Senator M. Young be substituted therefor.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as second author of Senate Bill 235.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 9.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Lanane and Tallian be added as coauthors of Senate Bill 122.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Waltz be added as second author of Senate Bill 128.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, January 25, 2007.

LONG

Motion prevailed.

The Senate adjourned at 2:54 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate